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THE
COMPILED LAWS
OF
THE STATE OF MICHIGAN.

PUBLISHED BY AUTHORITY.

COMPILED AND ARRANGED
UNDER AN ACT OF THE LEGISLATURE, APPROVED FEBRUARY 2, 1857,
BY THOMAS M. COOLEY.

VOLUME I.



DETROIT:
RAYMOND & SELLECK,
PUBLISHERS AND BOOKSELLERS.
1857.

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P R E F A C E.

The Act under which this Compilation has been made, was passed February 2, 1857.

It provided that all General Laws then in force, including those passed by the then present Legislature, should be collected and reprinted, without alteration, under their appropriate Heads and Titles, with Marginal Notes and References, and an Index. The Laws so collected and arranged, were to be examined by two Commissioners, and Five Thousand Copies were to be printed, bound and deposited in the Office of the Secretary of State by the first day of November then next.

The Legislature of 1857 adjourned on the seventeenth day of February. To enable the Printer and Binder, with all practicable dispatch and under the most favorable circumstances, to complete their portion of the labor within the time allowed by the Act, it was necessary that the printing be begun as early as June, and but four months, therefore, at the outside, could be allowed the Compiler to bring together and arrange for examination by the Commissioners, all the General Laws of the State and Territory in force.

Neither the Revised Statutes of 1846, nor those of 1838, embraced all the Statutes of a general character then in force; nor had there been, since 1827, any General Repealing Statute which could be taken as a starting point in this labor. It was, therefore, necessary to commence with the Revision of 1827, and examine in detail the several Acts contained in that, and in each publication of Laws which followed to the present time.

It would be surprising if a work of such magnitude, compiled in the brief space of time allowed, should be, in all respects, as complete, and as perfectly arranged, as would be desirable. It will not be claimed that such is the fact with this Compilation. The Compiler can only hope that he has succeeded in bringing together the whole body of General Statutes, and that the arrangement of them is not so defective but that the main design of the Legislature in providing for their Compilation has been accomplished.

In preparing the Compilation, the object kept most prominently in view has been *the omission of no General Law, or part thereof, now in force*. And to attain this object, the following rules have been observed:

In every case of a General Statute, where it seemed to the Compiler, or to either of the Commissioners, that any well founded doubt could exist as to its having been repealed, or superseded, it has been retained, with such Note or Reference as the case seemed to call for, leaving the question of its repeal to the Judiciary, where it properly belongs.

In all cases of attempts to amend or repeal Statutes by enactments which seemed not themselves to comply with the Constitutional requirements, or which seemed opposed to Constitutional provisions, both the former and the latter have been retained, with References to each other.

However plain it might seem, in any case, that a Statute, or part thereof, was void, for want of compliance with the Constitution in any particular, the whole has been retained in the Compilation, with a reference only to the Constitutional provision having a bearing upon it.

In all cases of General Statutes and Acts amendatory of General Statutes, passed since the Revised Constitution, which makes the Title to an Act an important and even controlling part thereof, the Titles have been retained and given in full.

And thus, though many an Enactment of doubtful validity may be retained, the Act, or defect, or Constitutional provision which renders it so, appears in juxtaposition with it, in such manner as to present, at first view, the question involved, and avoid misleading the reader.

These rules have been fully sanctioned by the Commissioners.

Doubtless there are cases in which the references to modifying and controlling Statutory and Constitutional Provisions are not as complete as they should have been, and at page 716 occurs an accidental omission of such a reference; Section 2211 on that page being essentially modified by Section Nine, of Article Thirteen, of the Constitution; but it is hoped that the lack in this particular is not so great as in any instance to mislead the reader.

As to the meaning of the words *in force*, as employed in the Act providing for this Compilation, it has not occurred to the Commissioners, any more than to the Compiler, that there could be any question. The Legislature intended the work to embrace such Laws only as are in force for future action or purposes, and not such as possess vitality as respects alone the action heretofore had under them, and the questions arising thereon.

ARRANGEMENT OF THE COMPILATION.

The first Code of Michigan Laws, adopted in 1805, and commonly known as the Woodward Code, contains thirty-four Acts, and one hundred and sixty-four Sections. Nothing peculiar is observed in its arrangement, except that the Sections are numbered consecutively through the whole work.

In the Cass Code, published in 1816, the arrangement of subjects was alphabetical—an arrangement which, though exceedingly unnatural, has many manifest advantages.

In the Codes of 1820, 1827, and 1833, no attempt at any general arrangement seems to have been made beyond bringing together kindred Acts. Whenever a new Statute on any subject seemed requisite, it was prepared and passed, and printed in what was thought its appropriate place in the work. And existing Statutes were amended as the circumstances of the Territory seemed to require.

The Revision of 1838 was a single Act, divided into Parts, Titles and Chapters, after the manner of the Revised Statutes of New York. The arrangement of the Revision of 1846 was, in the main, the same, except that instead of numbering the Chapters in each Title by itself, as had been done in 1838, the progressive numbers were carried through the whole Revision.

For reasons which seemed imperative, the arrangement of 1846 has been substantially adopted in the present work. Among those reasons were the following :

1. It was an arrangement under which our People, for nearly twenty years, had been doing business, until it had become familiar.
2. It was similar to that of the Statutes of New York and Massachusetts, from which States a large portion of our citizens had removed.
3. It is believed to have proved generally satisfactory to the People of Michigan, and that very strong reasons should exist to justify the placing before them a new arrangement, the plan of which must necessarily be different from any with which the most of them had ever been familiar.
4. The duty of the Compiler was confined to the collection and reprint, *without alteration*, of the Laws in force, and it was quite impossible to take the Statutes as they are, and adopt and carry out any new arrangement that would not be essentially defective in its details, without a more frequent and radical subdivision of Chapters than was thought justifiable.

The arrangement of 1846 is, therefore, substantially adopted, and with the less hesitation from the fact that it has seemed to the eminent Revisors of New York and Massachusetts, as well as to those who prepared the Revisions of our own Statutes, and the Commissioners appointed to examine the present Compilation, the natural and proper arrangement for such a work.

The principal modification consists in numbering the Sections consecutively through the whole work, which, for purposes of citation, it is hoped, will be found a convenience.

For similar reasons radical changes have been avoided in the Index to that portion of the work taken from the Revision of 1846. The Index to that Revision has become familiar to our People, and though considerable additions have been made to it, the main body of it is still retained.

Many crude things will be found in this Compilation, and many incongruities have been brought together, which will be more apparent in their present form than when distributed through thirty volumes. Careless phraseology and faults in grammar are not infrequent—the latter in many cases will strike the reader as clerical or typographical errors, when, in fact, they are exact reprints of Laws carelessly and hastily prepared and passed.

The additions to Judge Green's marginal References to Judicial Decisions, are, for the most part, only such as the Compiler had preserved in the course of his practice. It was quite impossible, in the short time allowed for the work, to make these references by any means full and complete. What are given, it is hoped, will, to some extent, be found of service.

References which, it is believed, will sometimes be found convenient, have also been made to repealed and superseded Statutes, under which questions frequently spring up for Judicial determination.

The Compiler desires here to express his many obligations to the Commissioners for the promptness with which their portion of the labor has been performed, and the pains they have taken that, so far as in them lay, the completion of the work should not be delayed beyond the time fixed by the Act under which it is prepared.

ADRIAN, 1867.

THOMAS M. COOLEY.

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DECLARATION OF INDEPENDENCE.

**Unanimously Passed by the Congress of the Thirteen United States of America,
July 4, 1776.**

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right—it is their duty—to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefit of trial by jury;

For transporting us beyond seas, to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries, to complete the works of death, desolation and tyranny already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice, and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and

independent States ; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved ; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLET,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, Jr.,
CARTER BRAXTON,

JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN PENN.

Delaware.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWES.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, Jr.,
THOMAS LYNCH, Jr.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

CONSTITUTION

OF

THE UNITED STATES.

ARTICLE I.

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3. Senate; Classification of Senators; Qualifications of; Vice President to preside; other Officers; Impeachments.
4. Election of members of Congress; Meetings of Congress.
5. Powers of each House; Expulsion of members; Journal; Adjournments.
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9. Certain limitations of the powers of Congress.
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2. Powers and duties of President; Making of Treaties; Power of Appointment.
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3. Treason defined; Trial for, and punishment.

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4. Republican form of Government guaranteed to the several States.

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ARTICLE VI.

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4. Unreasonable Searches and Seizures; Search Warrants.
5. Rights of persons charged with Crimes; Private Property.
6. Trials in Criminal Cases, and rights of the Accused.
7. Trials by Jury in Civil Cases.
8. Excessive bail, fines and punishments.
9. Construction of Constitution.
10. Of Powers reserved to the States.
11. Construction of Judicial Powers.
12. Manner of electing President and Vice President; Qualification of Vice President.

Preamble.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

Legislative power.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

House of Representatives, and qualifications of electors.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Of Representatives.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of representatives; ratio of representation; first apportionment.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

Vacancies.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.
Officers of the House.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.
Senate; each Senator a vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.
Senators classed when seats vacated and filled; vacancies and appointments.

3. No person shall be a Senator who shall not have attained to the age of thirty years; and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.
Qualifications of Senators.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.
President of the Senate.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.
Officers.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.
Impeachments.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.
Extent of Judgment.

SECTION IV.

1. The times, places and manner, of holding elections for
Elections, how regulated.

Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Meetings of Congress.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House to judge of its members; quorum.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

To determine its own rules.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

To keep and publish journal of proceedings.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment.

4. Neither house, during the Session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

Compensation; privilege.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Their disability to hold offices.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills. Revenue bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days—Sundays excepted—after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law. President to sign bill, &c.; proceedings on bills returned by President.

3. Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary—except on a question of adjournment—shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. Joint resolutions, except for adjournment, to receive the same sanction as bills.

SECTION VIII.

The Congress shall have power :

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States : Powers of Congress to lay taxes

2. To borrow money on the credit of the United States : Loans.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes : Commerce.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States : Naturalization—bankruptcy.

- Money.** 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :
- Counterfeiting.** 6. To provide for the punishment of counterfeiting the securities and current coin of the United States :
- Post Offices.** 7. To establish Post Offices and Post Roads :
- Science.** 8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :
- Tribunals ; piracies ; felonies.** 9. To constitute tribunals inferior to the Supreme Court. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :
- War.** 10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :
- Army.** 11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :
- Navy.** 12. To provide and maintain a navy :
- Land and naval forces.** 13. To make rules for the government and regulation of the land and naval forces :
- Militia.** 14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :
- Disciplining the militia.** 15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :
- Exercise exclusive legislation in certain cases.** 16. To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular States, and the acceptance of Congress, become the Seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings : and,
- Laws necessary for the execution of their powers.** 17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

- Importation of certain persons not to be prohibited until after 1808.** 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand

eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. Writ of habeas corpus.

3. No bill of attainder, or ex-post-facto law, shall be passed. Attainder.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. Direct tax.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another : nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. Of commerce from the States, &c.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. Of expenditures.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign State. No title of nobility to be granted, &c.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts ; or grant any title of nobility. Powers prohibited to the individual States.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports. except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. Powers which the States can exercise only under the sanction of Congress.

ARTICLE II.

SECTION I.

Executive power.

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows :

Electors of President and Vice President.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Meeting of the Electors; their proceedings. [*Annulled; see amendments, article 12.]

3. *The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President ; and if no person have a majority, then from the five highest on the list the said house shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Time of choosing Electors.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States. Qualifications for President.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected. In case of vacancy, Vice President to act.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them. Compensation of the President.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation: Oath of the President.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. Powers of the President.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by His power to make treaties, to appoint Ambassadors, Consuls, and other officers

law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Power to fill vacancies.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

Duties of President.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

Officers liable to impeachment.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

Judicial power.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

Extent of judicial power.

1. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between

See amendment XI.

citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting Ambassadors, other public ministers ^{Jurisdiction of Supreme Court.} and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, ^{Trial of crimes.} shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only in ^{Treason.} levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punish- <sup>Congress to de-
clare its punish-
ment.</sup> ment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the <sup>Credit to be given
in each State to
the acts of other
States.</sup> public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges <sup>Reciprocity of cit-
izens.</sup> and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or <sup>Criminals to be
delivered up.</sup> other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Persons held to service to be delivered up.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

Admission of new States.

1. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Congress to have power over territory.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

Republican form of government guaranteed to each State.

1. The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion ; and, on application of the Legislature, or of the Executive, when the Legislature cannot be convened, against domestic violence.

ARTICLE V.

Mode of amending this Constitution.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution ; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; *Provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Assumption of former debts.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid

against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby; any thing in the Constitution or laws of any State to the contrary notwithstanding.

Constitution to be the supreme law of the land; the State Judges bound thereby.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Certain officers to take oath to support this Constitution; no religious test.

ARTICLE VII.

1. The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

How ratified.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
PRESIDENT, AND DEPUTY FROM VIRGINIA.

IN CONGRESS, SATURDAY, SEPT. 13, 1788.

On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine States, viz. : of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia.

WHEREAS, the Convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st February, 1787, did, on the 17th of September, in the same year, report to the United States, in Congress assembled, a Constitution for the United States; whereupon, Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the resolutions and letter accompanying the same,

Constitution declared to be ratified.

be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case ;” and whereas, the Constitution so reported by the convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the Secretary ; therefore,

Government to go
into operation.

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which before the said day shall have ratified the said Constitution ; that the first Wednesday in February next be the day for the electors to assemble in their respective States, and vote for a President : and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

A M E N D M E N T S .

The following amendments, from Articles 1 to 10 inclusive, were proposed at the first session of the first Congress of the United States, which was begun and held at the City of New York, on the 4th of March, 1789, and were adopted by the requisite number of States.

Preamble and
resolution which
preceded the
original proposi-
tion of the
amendments.

Congress of the United States, begun and held at the City of New York, on Wednesday, the 4th of March, 1789. The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added ; and as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution :

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, namely :

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Restrictions of the powers of Congress.

ARTICLE II.

A well regulated militia being necessary to the security of a Free State, the right of the people to keep and bear arms shall not be infringed.

People may keep arms.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of soldiers.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Search warrants.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Proceedings against persons charged with crimes; their rights.

Private property.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have

Rights of the accused.

compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

ARTICLE VII.

Right of trial by jury.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail, etc.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Construction of Constitution.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people. .

ARTICLE X.

Reserved powers.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

Proposed at the Second Session of the Third Congress.

Construction of judicial powers.

The judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

Proposed at the First Session of the Eighth Congress.

Mode of electing President and Vice President of the United States—choosing President.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate ; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted ; the per-

son having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed ; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

GOVERNMENT
OF THE
NORTH-WEST TERRITORY.

AN ORDINANCE

FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES, NORTH-WEST OF THE
RIVER OHIO.

IN CONGRESS, JULY 13, 1787.

1. *Be it ordained by the United States, in Congress assembled,* Moren & Duane's
ed. Laws U. S., v.
1, p. 475.
That the said Territory, for the purposes of temporary govern-
ment, be one district, subject, however, to be divided into
two districts, as future circumstances may, in the opinion of
Congress, make it expedient.

2. *Be it ordained by the authority aforesaid,* Rules of inher-
itance ; personal
property. That the estates,
both of resident and non-resident proprietors in the said Terri-
tory, dying intestate, shall descend to and be distributed
among their children, and the descendants of a deceased child
in equal parts ; the descendants of a deceased child or grand-
child, to take the share of their deceased parent in equal parts
among them ; and where there shall be no children or descend-
ants, then in equal parts to the next of kin, in equal degree ;
and among collaterals, the children of a deceased brother or
sister of the intestate shall have in equal parts among them
their deceased parent's share ; and there shall, in no case, be
a distinction between kindred of the whole and half blood ;
saving in all cases to the widow of the intestate her third
part of the real estate for life, and one-third part of the per-
sonal estate ; and this law relative to descents and dower shall
remain in full force until altered by the Legislature of the
district. And until the Governor and Judges shall adopt laws,
as hereinafter mentioned, estates in the said Territory may be
devised or bequeathed by wills in writing, signed and sealed

by him or her, in whom the estate may be—being of full age—and attested by three witnesses ; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, such conveyances be acknowledged, or the execution thereof be duly proved, and recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose ; and personal property may be transferred by delivery ; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Governor.

3. *Be it ordained by the authority aforesaid,* That there shall be appointed from time to time, by Congress, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress ; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

Secretary ; Supreme Court.

4. There shall be appointed from time to time, by Congress, a Secretary, whose commission shall continue in force for four years, unless sooner revoked ; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the Governor in his executive department ; and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three Judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices ; and their commissions shall be in force during good behavior.

Adoption and publication of laws.

5. The Governor and Judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time ; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress ; but afterwards the Legis-

lature shall have authority to alter them as they shall think fit.

6. The Governor for the time being shall be Commander-Officers of militia. in-Chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

7. Previous to the organization of the General Assembly, the Civil officers. Governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the Governor.

8. For the prevention of crimes and injuries, the laws to be Civil divisions of the district. adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships; subject, however, to such alterations as may thereafter be made by the Legislature.

9. So soon as there shall be five thousand free male inhabit-Representative Government; General Assembly. ants of full age in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect Representatives from their counties or townships to represent them in the General Assembly; *Provided*, that for every five hundred free male inhabitants, there shall be one Representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of Representatives shall amount to twenty-five, after which, the number and proportion of Representatives shall be regulated by the Legislature; *Provided*, That no person be eligible or qualified to act as a Representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; *Provided, also*, that a freehold in fifty acres of land in the district, having been a citizen of

one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative.

Term of service;
vacancies, how
filled.

10. The Representatives thus elected shall serve for the term of two years; and in case of the death of a Representative, or removal from office, the Governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

Constitution of
the Legislative
power; vacancies
how filled; Gov-
ernor's assent to
bills.

11. The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum. And the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as Representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of Council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor, for his assent; but no bill or legislative act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

Oath of office;
delegate to Con-
gress.

12. The Governor, Judges, Legislative Council, Secretary, and such other officers as Congress shall appoint in the dis-

trict, shall take an oath or affirmation of fidelity and of office ; the Governor before the President of Congress, and all other officers before the Governor. As soon as a Legislature shall be formed in the district, the Council and House assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and Constitutions are erected; to fix and establish those principles as the basis of all laws, Constitutions and Governments, which forever hereafter shall be formed in the said Territory ; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest :

It is hereby ordained and declared by the authority aforesaid, Articles of compact.
That the following articles shall be considered as articles of compact between the original States, and the people and States in the said Territory, and forever remain unalterable, unless by common consent, to wit :

ARTICLE I.

No person demeaning himself in a peaceable and orderly Religious worship. manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said Territory.

ARTICLE II.

The inhabitants of the said Territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury ; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate ; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land ; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And The writ of habeas corpus; bail; fines; compensation for property taken for public service; laws not to affect private contracts.

in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall in any manner whatever interfere with or affect private contracts or engagements, *bona fide*, and without fraud, previously formed.

ARTICLE III.

Education ; In-
dians.

Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians ; their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars, authorized by Congress ; but laws, founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

States to remain
part of Confede-
racy ; debts and
expenses of Gov-
ernment ; naviga-
ble waters.

The said Territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made ; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States ; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of these districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands, the property of the United States ; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters

leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said Territory, as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said Territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the Western State in the said Territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due North to the Territorial Line between the United States and Canada; and by the said Territorial Line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due North from the mouth of the Great Miami to the said Territorial Line, and by the said Territorial Line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said Territorial line; *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies North of an East and West line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent Constitution and State Government; *Provided*, the Constitution and Government so to be formed shall be Republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

States how to be formed in the territory; boundary of western State; middle State; eastern State; when admitted into the Union; proviso.

ARTICLE VI.

Slavery prohibited; proviso.

There shall neither be slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted; *Provided, always,* that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid.

Resolutions repealed.

Be it ordained by the authority aforesaid, That the resolutions of the twenty-third of April, one thousand seven hundred and eighty-four, relative to the subject of this ordinance, be and the same are hereby repealed and declared null and void.

AN ACT

TO PROVIDE FOR THE GOVERNMENT OF THE TERRITORY NORTH-WEST OF THE RIVER OHIO.

IN CONGRESS, AUGUST 7, 1789.

1 Story's Laws of U. S., p. 32, ch. 8, [*See act of 1800, ch. 41, act of 1802, ch. 40, act of 1804, ch. 80.]

WHEREAS, in order that the ordinance* of the United States in Congress assembled for the government of the Territory north-west of the River Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States :

Governor to make communications to President of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That in all cases in which by the said ordinance any information is to be given, or communication made, by the Governor of the said Territory, to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which, by the said ordinance, were to have been appointed by the United States in Congress assembled; and all officers, so appointed, shall be commissioned by him; and, in all cases where the United States in Congress assembled, might by the said ordinance, revoke any commission, or remove from any office,

President and Senate to appoint Territorial officers.

President to commission and remove.

the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor.

In case of death, removal, etc., the Secretary to execute the powers of Governor during the vacancy.

AN ACT

RESPECTING THE GOVERNMENT OF THE TERRITORIES OF THE UNITED STATES, NORTH-WEST AND SOUTH OF THE RIVER OHIO.

IN CONGRESS, MAY 8, 1792.

SECTION 1. *Be it enacted, etc.*, That the laws of the Territory north-west of the Ohio, that have been, or hereafter may be, enacted by the Governor and Judges thereof, shall be printed, under the direction of the Secretary of State, and two hundred copies thereof, together with ten sets of the laws of the United States, shall be delivered to the said Governor and Judges, to be distributed among the inhabitants for their information, and that a like number of the laws of the United States shall be delivered to the Governor and Judges of the Territory south-west of the River Ohio.

1 Story's Laws U. S., p. 266, ch. 42. Laws of the Territory north-west of the River Ohio to be printed, etc. 200 copies and 10 sets of the Laws of the United States to be delivered, etc.

SEC. 2. That the Governor and Judges of the Territory north-west of the River Ohio, shall be, and hereby are, authorized to repeal their laws, by them made, whensoever the same may be found to be improper.

Governor and Judges of the Territory north-west of the Ohio authorized to repeal their laws, etc.

SEC. 3. That the official duties of the Secretaries of the said Territories shall be under the control of such laws as are, or may be in force in the said Territories.

Official duties of Secretaries, under the control of Territorial laws.

SEC. 4. That any one of the Supreme or Superior Judges of the said Territories, in the absence of the other judges, shall be, and hereby is authorized to hold a court.

One Supreme or Superior Judge may hold court in the absence of the others.

SEC. 5. That the Secretary of State provide proper seals for the several and respective public offices in the said Territories.

The Secretary of State to provide seals for the Territorial offices.

The limitation act
passed by the
Governor and
Judges disap-
proved.

SEC. 6. That the limitation act, passed by the Governor and Judges of the said Territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be, and hereby is disapproved.

[The seventh section of the above act contains only a special provision.]

GOVERNMENT
OF
MICHIGAN TERRITORY.

AN ACT

TO DIVIDE THE INDIANA TERRITORY INTO TWO SEPARATE GOVERNMENTS.

IN CONGRESS, JANUARY 11, 1805.

SECTION 1. *Be it enacted, &c.*, That from and after the thirtieth day of June next, all that part of the Indiana Territory which lies North of a line drawn East from the southerly bend or extreme of Lake Michigan, until it shall intersect, Lake Erie, and East of a line drawn from the said southerly bend through the middle of said Lake to its northern extremity, and thence due North to the northern boundary of the United States, shall, for the purpose of temporary Government, constitute a separate Territory, and be called Michigan.

2 Story's Laws U. S., p. 957, ch. 66. That part of Indiana herein described to constitute a separate territory, and be called Michigan.

SEC. 2. That there shall be established within the said Territory a Government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the Government of the Territory of the United States north-west of the River Ohio, and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An Act to provide for the Government of the Territory northwest of the River Ohio;" and the inhabitants thereof shall be entitled to, and enjoy, all and singular the rights, privileges and advantages, granted and secured to the people of the Territory of the United States north-west of the River Ohio, by the said ordinance.

A government to be established similar to that provided by the ordinance and act referred to, etc. Act of 1789, ch. 8.

The inhabitants to be entitled to rights secured by ordinance.

SEC. 3. That the officers for the said Territory who, by the virtue of this act, shall be appointed by the President of the

The officers for the Territory, etc. to exercise the

same powers, perform the same duties, etc., as provided, etc. Duties and emoluments of Superintendent and Governor united. United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana Territory; and the duties and emoluments of Superintendent of Indian Affairs shall be united with those of Governor.

Nothing in this act to affect the Government of Indiana, further than to prohibit, etc. SEC. 4. That nothing in this act contained shall be construed so as in any manner to affect the Government now in force in the Indiana Territory, further than to prohibit the exercise thereof within the said Territory of Michigan, from and after the aforesaid thirtieth day of June next.

Suits, etc., pending in the court of any county, etc., or removed from any county, etc., to be proceeded on, and judgments, etc., rendered, as if Indiana had remained undivided. SEC. 5. That all suits, process, and proceedings, which, on the thirtieth day of June next, shall be pending in the court of any county, which shall be included within the said Territory of Michigan; and also, all suits, process, and proceedings, which, on the said thirtieth day of June next, shall be pending in the General Court of the Indiana Territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the Territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana Territory had remained undivided.

Detroit to be the Seat of Government until, etc. SEC. 6. That Detroit shall be the Seat of Government of the said Territory, until Congress shall otherwise direct.

ADMISSION
OF
MICHIGAN TO THE UNION.

AN ACT

TO ESTABLISH THE NORTHERN BOUNDARY LINE OF THE STATE OF OHIO, AND TO PROVIDE
FOR THE ADMISSION OF THE STATE OF MICHIGAN INTO THE UNION, UPON THE
CONDITIONS THEREIN EXPRESSED.

IN CONGRESS, JUNE 15, 1836.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the northern boundary line of the State of Ohio shall be established at, and shall be a direct line drawn from, the southern extremity of Lake Michigan, to the most northerly cape of the Maumee (Miami) bay, after that line so drawn shall intersect the eastern boundary line of the State of Indiana, and from the said north cape of the said bay, north-east to the boundary line between the United States and the Province of Upper Canada, in Lake Erie; and thence, with the said last mentioned line, to its intersection with the western line of the State of Pennsylvania.

SEC. 2. *And be it further enacted,* That the Constitution and State Government which the people of Michigan have formed for themselves be, and the same is hereby accepted, ratified and confirmed, and that the said State of Michigan shall be, and is hereby declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States, in all respects whatever: *Provided always,* And this admission is upon the express condition, that the said State shall consist of, and have jurisdiction over, all the territory included within the following boundaries, and over none other, to wit: Beginning at the point

Northern boundary line of Ohio established.

Constitution of Michigan ratified

Provide; conditions of admission into the Union.

Boundaries of Michigan. of where the above described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada, through the Detroit River, Lake Huron and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior, to the mouth of the Montreal River; thence through the middle of the main channel of the said River Montreal, to the middle of the Lake of the Desert; thence in a direct line to the nearest head water of the Menominee River; thence through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menominee River; thence down the centre of the main channel of the same, to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east, with the north boundary line of the said State of Indiana, to the north-east corner thereof; and thence south, with the east boundary line of Indiana, to the place of beginning.

Consent of Michigan required to boundaries above described.

SEC. 3. *And be it further enacted*, That as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States, in all respects whatever, shall be considered as complete, and the Senators and Representative who have been elected by the said State as its representatives in the Congress of the United States, shall be entitled to take their

seats in the Senate and House of Representatives respectively, without further delay.

SEC. 4. *And be it further enacted*, That nothing in this act ^{Public lands of U. S. in Michigan.} contained, or in the admission of the said State into the Union as one of the United States of America, upon an equal footing with the original States in all respects whatever, shall be so construed or understood as to confer upon the people, Legislature or other authorities of the said State of Michigan, any authority or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said State; but that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by future action between Congress on the part of the United States, and the said State, or the authorities thereof; and the said State of Michigan shall in no case, and under no pretence whatsoever, impose any tax, assessment or imposition of any description, upon any of the lands of the United States within its limits.

AN ORDINANCE

RELATIVE TO CERTAIN PROPOSITIONS MADE BY THE CONGRESS OF THE UNITED STATES TO THE LEGISLATURE OF THE STATE OF MICHIGAN.

WHEREAS, The Congress of the United States did pass an ^{Preamble.} act, approved the twenty-third day of June, one thousand ^{Laws of 1836, p 57.} eight hundred and thirty-six, making certain propositions for the acceptance or rejection of the Legislature of the State of Michigan, which said act is herein inserted, in the following words, to wit:

"An act supplementary to an act entitled 'an act to establish ^{Act of Congress, 23d June, 1836.} the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, on certain conditions therein expressed.'

SECTION 1. *Be it enacted by the Senate and House of Repre-* ^{Propositions of the U. S.} *sentatives of the United States of America, in Congress assembled,* That in lieu of the propositions submitted to the Congress of the United States by an ordinance passed by the Convention of Delegates at Detroit, assembled for the purpose of making a Constitution for the State of Michigan, which are hereby

rejected, that the following propositions be, and the same are hereby offered to the Legislature of the State of Michigan, for their acceptance or rejection, which, if accepted under the authority conferred on the said Legislature by the Convention which framed the Constitution of the said State, shall be obligatory upon the United States.

School lands.

First, That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

University lands.

Second, That the seventy-two sections of land set apart and reserved for the support of a University by an act of Congress approved on the twentieth day of May, eighteen hundred and twenty-six, entitled, "an act concerning a seminary of learning in the Territory of Michigan," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such University, in such manner as the Legislature may prescribe; *And provided also*, That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land, under contract or grant from said University.

Proviso.

Lands for the erection of public buildings.

Third, That five entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the Seat of Government of the said State, as the Legislature may determine and direct.

Salt springs, and lands contiguous.

Fourth, That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the Legislature thereof, on or before the first of January, eighteen hundred and forty; and the same, when so selected, to be used on such terms, conditions and regulations, as the Legislature of the said State shall direct; *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall by this section be granted to said State; *And provided also*, That the General Assembly shall

Further proviso.

never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Fifth, That five per cent. of the net proceeds of the sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct; *Provided*, That the five foregoing propositions herein offered are on the condition that the Legislature of the said State, by virtue of the powers conferred upon it by the Convention which framed the Constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order, or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively." Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the five propositions offered to the said Legislature in the above recited act be, and each and every of them are hereby accepted "under the authority conferred on said Legislature by the Convention which framed the Constitution of said State," and for the purposes of complying with the conditions in the proviso to the fifth proposition contained in the above recited act, and by virtue of the powers conferred upon the said Legislature of said State by the Convention aforesaid, the following ordinance is declared to be irrevocable without the consent of the United States.

Be it ordained by the Senate and House of Representatives of the State of Michigan, That the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find

Five per cent.
from the sale of
public lands.

Proviso.

Of the sale of U.
S. lands within
the State.

Exemptions from
taxation.

Acceptance of
the propositions
of the U. S.

Ordinance de-
clared irrevoca-
ble without the
consent of the
U. S.

The State will not
interfere with
sale of lands.

necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on land the property of the United States, and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

No taxes to be levied on lands of United States.
Non-resident not taxed higher than resident lands.
Bounty lands exempted from taxation for three years.

And be it further ordained by the authority aforesaid, That the following propositions be submitted to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State. Not less than five hundred thousand acres of the unappropriated lands lying within said State shall be designated under the direction of the Legislature, and granted the State for the purposes of internal improvement; said land, or the proceeds of the sale thereof shall be appropriated to aid the State in constructing one or more railroads or canals across the peninsula, from Lake Erie or Detroit river to Lake Michigan, and also to aid in the construction of such other roads and canals, and the improvement of such rivers, as the Legislature may designate.

New proposition submitted to Congress.

Lands to be appropriated for roads and canals.

That for the construction of a road from the mouth of Ontonagon River of Lake Superior, to the mouth of Menominee River of Green Bay, or some river of Green Bay north of said Menominee River, thence to the Sault St. Marie, to be located under the direction of the Legislature, one section of land for each mile of said road shall be granted to said State, and all roads commenced by the United States and remaining unfinished in the State, shall be completed and put in repair at the expense of the United States.

Approved July 25, 1836.

ASSENT

OF THE STATE OF MICHIGAN, TO THE ACT OF CONGRESS OF JUNE FIFTEENTH, EIGHTEEN HUNDRED AND THIRTY-SIX, GIVEN IN CONVENTION AT ANN ARBOR, ON THE FIFTEENTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND THIRTY-SIX.

WHEREAS, By an act of Congress of June the fifteenth, one ^{Preamble.} thousand eight hundred and thirty-six, the Constitution and State Government which the people of Michigan have formed for themselves is accepted, ratified and confirmed : and whereas, the admission of the State of Michigan into the Union, as one of the United States, is provided by the said act to be upon the express condition, " that the said State shall consist of and have jurisdiction over all the territory included within the following boundaries, and over none other, to wit : beginning at the point where the described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of the said act, until it intersects the boundary line between the United States and Canada, in Lake Erie ; thence with the said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior, to a point where the said line last touches Lake Superior ; thence in a direct line through Lake Superior to the mouth of the Montreal river, thence through the middle of the main channel of said Montreal river, to the middle of the Lake of the Desert ; thence in a direct line to the nearest head water of the Menomonie river ; thence through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menomonie river ; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan ; thence through the centre of the most usual ship channel of the said bay, to the middle of Lake Michigan ; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, one thousand eight hundred and sixteen ; thence due east with the north boundary line of the said State of Indiana to the north-east corner thereof, and thence south with the east boundary line of Indiana to the place of beginning." And whereas, as a compliance with the condition of admission prescribed in the said act, it is provided

and required in the said act that the above described boundaries of the State of Michigan shall receive the assent of a convention of delegates, elected by the people of the said State for the sole purpose of giving such assent : and whereas, no authority is designated in said act of Congress, by which such convention of delegates shall be called or convened, but in the third section of said act the right of the people of Michigan to elect said delegates without any previous action of their constituted authorities is clearly recognized and manifest : and whereas this Convention originated with, and speaks the voice of a great majority of the people of Michigan : and whereas, it is provided and enacted in the said act, that as soon as the assent therein required shall be given, the President of the United States shall announce the same by proclamation ; and thereupon, and without any further proceedings on the part of Congress, the admission of said State into the Union as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete :

Now, although this Convention are of opinion that the Congress of the United States had no constitutional right to require the assent aforesaid as a condition preliminary to the admission of the said State into the Union, nevertheless, as the Congress have required such assent to the said condition, and as the interest and prosperity of the State will be greatly advanced by an immediate admission into the Union as one of its sovereignties, and the people of the said State are solicitous to give to her sister States and to the world unequivocal proof of her desire to promote the tranquillity and harmony of the Confederacy, and to perpetuate the unity, liberty and prosperity of the country, Therefore, *Be it resolved by the People of Michigan, in Convention assembled*, That the assent required in the foregoing recited act of the Congress of the United States is hereby given.

Assent.

This done in Convention at Ann Arbor, this fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States of America the sixty-first.

A N A C T

TO ADMIT THE STATE OF MICHIGAN INTO THE UNION, UPON AN EQUAL FOOTING WITH
THE ORIGINAL STATES.

IN CONGRESS, JANUARY 26, 1837.

WHEREAS, In pursuance of the act of Congress of June the Preamble.
fifteenth, eighteen hundred and thirty-six, entitled, "An Act
to establish the northern boundary of the State of Ohio, and
to provide for the admission of the State of Michigan into the
Union, upon the conditions therein expressed," a Convention
of delegates, elected by the people of the said State of Michi-
gan, for the sole purpose of giving their assent to the bound-
aries of the said State of Michigan, as described, declared
and established in and by the said act, did, on the fifteenth
of December, eighteen hundred and thirty-six, assent to the
provisions of said act, therefore :

SECTION 1. *Be it enacted by the Senate and House of Repre-* Admission of
sentatives of the United States of America, in Congress assem- Michigan into the
bled, That the State of Michigan shall be one, and is hereby Union.
declared to be one of the United States of America, and
admitted into the Union on an equal footing with the original
States, in all respects whatever.

SEC. 2. *And be it further enacted,* That the Secretary of the To be considered
Treasury, in carrying into effect the thirteenth and fourteenth State in carrying
sections of the act of the twenty-third of June, eighteen hun- into effect the act
dred and thirty-six, entitled, "An Act to regulate the deposits relative to depos-
its.
of the public money," shall consider the said State of Michigan
as being one of the United States.

CONSTITUTION

OF THE

STATE OF MICHIGAN.

ARTICLE I.

BOUNDARIES.

SECTION

1. Boundaries defined.

ARTICLE II.

SEAT OF GOVERNMENT.

1. Established at Lansing.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

1. How divided.
2. No person belonging to one department to exercise powers of another.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. How divided.
2. Senate.
3. House of Representatives.
4. Census; Apportionment of Senators and Representatives.
5. Senators and Representatives to be citizens; What to vacate office.
6. What officers ineligible.
7. Privileges of Senators and Representatives.
8. Quorum.
9. Powers of each House; Expulsion of Members.
10. Journals.
11. Elections; Yeas and nays.
12. Doors to be open; Adjournments.
13. Bills.
14. Bills and resolutions to be presented to Governor.
15. Compensation and perquisites of members.
16. Postage of members.
17. Compensation of President of Senate and Speaker of House.
18. No member to receive civil appointment, or be interested in contract with State.

SECTION

19. Bills and resolutions, how passed.
20. No law to embrace more than one object; When laws to take effect.
21. Extra compensation prohibited in certain cases.
22. State Printing, etc., to be let by contract; Provisions respecting.
23. Legislature not to authorize sale, etc., of real estate, nor vacate or alter road.
24. May authorize Chaplain for State Prison, not for Legislature.
25. Revision or amendment of Laws.
26. Divorces.
27. Lotteries.
28. No new bill to be introduced in last three days of session, except with unanimous consent.
29. Compensation, etc., in case of contested election.
30. Certain delinquents ineligible to office.
31. Private claims.
32. Hour of adjournment.
33. When Legislature to meet.
34. Election of Members.
35. No State paper; Compensation for publishing laws.
36. Publication of statutes and judicial decisions.
37. Vacancies.
38. Local Legislation.
39. Religious liberty.
40. No money to be drawn from Treasury for Religious purposes.
41. Rights of opinion.
42. Liberty of speech and the press.
43. No attainder; *ex-post facto* law, etc., to be passed.
44. Habeas corpus.
45. Bills appropriating money.
46. Trial by Jury.
47. Licenses.
48. Style of laws.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION

1. In whom vested.
2. Qualifications of Governor and Lieutenant Governor.
3. How elected.
4. Powers of Governor.
5. Executive business.
6. Governor to take care that laws be executed.
7. Governor may convene Legislature.
8. Message of Governor.
9. When Legislature may be convened at other place than at Capitol.
10. Writs of election.
11. Reprieves, pardons, etc.
12. When Lieutenant Governor to act as Governor.
13. When President *pro tem.* of Senate.
14. Lieutenant Governor to be President of Senate.
15. Certain officers not to execute office of Governor.
16. Governor and Lieutenant Governor not to be eligible to certain offices, etc.
17. Compensation of acting Governor.
18. Official acts of Governor; How authenticated.
19. Commissions to officers.

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- 2, 3, 4. Supreme Court; its powers and terms.
5. Rules of practice; Distinction between law and equity proceedings to be abolished; Master in Chancery prohibited.
6. Judicial Circuits.
7. Alteration and increase of Circuits.
8. Jurisdiction of Circuit Courts.
9. Salary of Judges; Ineligible to other offices.
10. Reporter; Decisions how to be given; Judges to fill certain vacancies.
11. Terms of Circuit Courts; Judges may hold courts for each other.
12. Clerks of Circuit and Supreme Courts.
13. Courts of Probate.
14. Vacancy in office of Judge, how filled.
15. What to be Courts of Record.
16. Circuit Court Commissioners.
17. Justices of the Peace.
18. Jurisdiction of Justices.
19. Conservators of the Peace.
20. Election of Circuit Judges.
21. Election of Judges of Probate.
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23. Courts of Conciliation.
24. Suitors may appear in person or by Attorney.
25. Prosecutions for libel.
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27. Right to trial by Jury.
28. Speedy trial guaranteed to accused.
29. Acquittal to bar subsequent trial; Bail.

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30. Treason, and trial thereof.
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2. Votes to be by ballot.
- 3, 4. Privileges of electors.
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1. What State officers to be elected; Offices where to be kept.
2. Term of office.
3. Vacancies; how filled.
4. Board of State Auditors and Canvassers.
5. Legislature to elect in case of tie, and to decide contested elections.

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ARTICLE X.

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1. To be bodies corporate.
2. When may be reduced to less than sixteen townships.
3. County officers.
4. Offices, where to be held.
5. Provisions respecting Sheriff.
6. Board of Supervisors.
7. Representation of cities in Board of Supervisors.
8. County seats; how removed.
9. What moneys Board of Supervisors may borrow or raise.
10. Powers of, as to claims.
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1. Township officers.
2. Townships to be bodies corporate; suits by and against.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

- 1, 2, 3. Impeachments, and trial thereof.
4. Impeachment of Judicial officer.
5. Vacancy from impeachment, how filled.

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6. Removal of Judge.
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ARTICLE XIII.

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1. Superintendent of Public Instruction.
2. School Fund.
3. Escheats.
4. Free Schools.
5. District Schools.
- 6, 7. Regents of University.
8. President of University; powers of Board of Regents.
9. Board of Education.
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12. Fine moneys to be a fund for Town Libraries.

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1. Specific tax, how applied; annual tax.
2. Sinking Fund; unfunded debt.
- 3, 4. What debts State may contract.
5. Moneys, how drawn.
6. State credit not to be loaned.
7. When State script may be issued.
8. State not to subscribe stock of corporations.
9. Nor engage in internal improvement.
10. Special taxes.
11. Taxation to be uniform.
12. Assessments; how made.
13. Board of Equalization.
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CORPORATIONS.

1. Corporations, how formed; laws for may be amended.
2. Banking laws to be submitted to the people.
3. Individual liability of stockholders, etc., of Banks.
4. Registry of, and security for bank bills.
5. Bill holders entitled to preference.
6. Suspension, by banks.
7. Individual liability of stockholders.
8. Amendment of acts of incorporation.
9. Property; how taken by corporations for public use.
10. Term of continuance of corporations.
11. Construction of term "corporation;" corporate powers.
12. How long corporations may hold real estate.
13. Cities and Villages.
14. Judicial Officers of Cities and Villages.
15. Private property; how taken by corporations.
16. Notice of application for amendment of charter.

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1. Of personal property.
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5. Property of married women.

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2. Laws for organizing.
3. Officers, how chosen.

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2. Private property; how taken for public use.
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6. Laws, etc., to be in English language.
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9. Soldiers not to be quartered in private houses.
10. Right of petition.
11. Slavery prohibited.
12. Certain leases and grants prohibited.
13. Alien residents may hold property.
14. Private property not to be taken except on compensation; Private roads, how opened.
15. Compilation of laws.

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2. District Judge.
3. District Attorney.
4. Senator and Representatives.
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2. Question of calling Convention to be submitted to the people at certain periods.

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2. Writs, actions, etc., not to abate.
3. Fines, penalties, forfeitures and escheats.
4. Recognizances, etc., to remain valid; crimes, misdemeanors and penal actions.
5. Governor and Lieut. Governor to be chosen under existing laws.
- 6, 7, 8. Present officers continued.
9. When terms of certain officers to expire.
10. Suits pending in certain courts; how disposed of.
11. Probate and Justices' Courts.
12. State Printer.
13. Duty of Legislature of 1851.
14. Duty of Attorney General.
15. Unorganised Territory.

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16. When Constitution to be submitted to people.
17. Qualification of voters thereon.
18. Ballot box; Ballots.
19. Canvass; what to be done if Constitution adopted.
20. Salaries of present officers to be continued.
21. Expenses of Convention; how paid.
22. Representative Districts.
23. Cases pending in Chancery.

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24. Term of Governor and Lieut. Governor; when to commence.
25. Upper Peninsula.
26. District Judge and Attorney for Upper Peninsula may be abolished.
27. Legislature of 1851 to apportion Representatives.
28. Terms of certain officers; when to commence.
29. Judicial Circuits.

THE PEOPLE OF THE STATE OF MICHIGAN DO ORDAIN THIS CONSTITUTION:

ARTICLE I.

BOUNDARIES.

Territory over which the State of Michigan has jurisdiction.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same—said point being the north-west corner of the State of Ohio, as established by act of Congress, entitled, “an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed,” approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands, in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore, and down the river Brule to the main channel of the Menominie river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the

State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen ; thence due east with the northern boundary line of the said State of Indiana to the north-east corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.

SEAT OF GOVERNMENT.

SECTION 1. The Seat of Government shall be at Lansing, Seat of Government. where it is now established.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of Government are divided into three How divided. departments : the Legislative, Executive and Judicial.

SEC. 2. No person belonging to one department shall exercise No person belonging to one department to exercise powers of another. the powers properly belonging to another, except in the cases expressly provided in this Constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power is vested in a Senate Legislative department. and House of Representatives. 4 Selden, 483; 3 Mich. R. 330, 343. Senate.

SEC. 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two, inclusive ; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

SEC. 3. The House of Representatives shall consist of not House of Representatives. less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly Representative districts. as may be, an equal number of white inhabitants, and civilized persons of Indian descent, not members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect by general ticket the number of Representatives to which it is entitled. Each

county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the Board of Supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last preceding enumeration.

Enumeration of inhabitants.

SEC. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter, and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall rearrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of white inhabitants, and civilized persons of Indian descent, not members of any tribe. Each apportionment and the division into representative districts, by any Board of Supervisors, shall remain unaltered until the return of another enumeration.

Apportionment of Senators and Representatives.

Senators and Representatives to be citizens.

SEC. 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

What to vacate office.

Certain officers ineligible to a seat in the Legislature.

[SEC. 6.] No person holding any office under the United States [or this State], or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

Privileges of Senators and Representatives.

SEC. 7. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

SEC. 8. A majority of each house shall constitute a quorum Majority of each House to constitute a quorum. to do business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Each house shall choose its own officers, determine Powers of each House. the rules of its proceedings, and judge of the qualifications, elections and returns of its members ; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the Rules—expulsion of members. same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

SEC. 10. Each house shall keep a journal of its proceedings, Each House to keep journal. and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house, or in joint Con- Elections viva voce. Yeas and Nays. vention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

SEC. 12. The doors of each house shall be open, unless the Doors to be open—adjournments. public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

SEC. 13. Bills may originate in either house of the Legis- Bills. lature.

SEC. 14. Every bill and concurrent resolution, except of Bills and resolutions to be presented to Governor. adjournment, passed by the Legislature, shall be presented to the Governor before it becomes a law. If he approve, he shall sign it ; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become

a law. In such case the vote of both houses shall be determined by yeas and nays ; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return ; in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session ; and the same shall become a law.

Compensation of members.

SEC. 15. The compensation of the members of the Legislature shall be three dollars a day for actual attendance, and when absent on account of sickness, for the first sixty days of the session of the year one thousand eight hundred and fifty-one, and for the first forty days of every subsequent session, and nothing thereafter. When convened in extra session, their compensation shall be three dollars a day for the first twenty days, and nothing thereafter ; and they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route ; and for stationery and newspapers, not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member ; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Mileage.

Stationery.

Postage.

SEC. 16. The Legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

Compensation of President of Senate and Speaker of House.
2 Mich. Rep. 306.

SEC. 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more.

No member to receive civil appointment, nor be interested in contract with the State.

SEC. 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority,

during the term for which he is elected. All such appointments, and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

SEC. 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills, the vote shall be by yeas and nays, and entered on the journal.

Bills and resolutions to be read three times.
3 Gilman, 466.

Ayes and noes on final passage.
14 Ill. Rep. 297.

SEC. 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

No law to embrace but one object.
7 Ind. Rep. 516.
Ib. 681.

When acts to take effect.
16 Ill. Rep. 361.

SEC. 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Legislature not to grant extra compensation to officers, etc.

SEC. 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper and printing for the Executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature, nor officer of the State, shall be interested directly or indirectly in any such contract.

Fuel, stationery, printing, etc., to be let by contract.

SEC. 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

Legislature not to authorize sale or conveyance of real estate, nor vacate any road.

Chaplain for
State Prison; not
for Legislature.

SEC. 24. The Legislature may authorize the employment of a chaplain for the State Prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

Acts altered or
amended to be
re-enacted and
published at
length.
5 Ind. R. 327; 6
do. 31.

SEC. 25. No law shall be revised, altered or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

Divorces.
3 Mich. R. 67.
Lotteries.

SEC. 26. Divorces shall not be granted by the Legislature.

SEC. 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

No bill to be in-
troduced during
last three days of
session.

SEC. 28. No new bill shall be introduced into either house during the last three days of the session, without the unanimous consent of the house in which it originates.

Contested elec-
tions.

SEC. 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage, who is declared to be entitled to a seat by the house in which the contest takes place.

Collectors and
holders of public
money ineligible
to office.

SEC. 30. No collector, holder, nor disburser of public moneys, shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

Private claims.

SEC. 31. The Legislature shall not audit nor allow any private claim or account.

Hour of adjourn-
ment.

SEC. 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

Meeting of Legis-
lature.

SEC. 33. The Legislature shall meet at the Seat of Government on the first Wednesday in February next, and on the first Wednesday in January of every second year thereafter, and at no other place or time, unless as provided in this Constitution.

Election of Sena-
tors and Repre-
sentatives in 1862
and thereafter.

SEC. 34. The election of Senators and Representatives, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

State paper.

SEC. 35. The Legislature shall not establish a State paper.

Compensation for
publishing laws.

Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage, shall be entitled to receive a sum not exceeding fifteen dollars therefor.

SEC. 36. The Legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person. Publication of statutes and decisions.

SEC. 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution. Vacancies.

SEC. 38. The Legislature may confer upon organized towns, incorporated cities and villages, and upon the Board of Supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper. Local legislation. 4 Selden, 472.

SEC. 39. The Legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. Religious liberty.

SEC. 40. No money shall be appropriated or drawn from the Treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes. No money drawn from Treasury for religious purposes.

SEC. 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion. Rights of opinion.

SEC. 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right. Liberty of speech and press.

SEC. 43. The Legislature shall pass no bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. Attainder, etc.

SEC. 44. The privilege of the writ of habeas corpus remains, and shall not be suspended by the Legislature, except in case of rebellion or invasion the public safety require it. Habeas corpus.

SEC. 45. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money, or property, for local or private purposes. Bills appropriating money.

SEC. 46. The Legislature may authorize a trial by a jury of a less number than twelve men. Trial by jury.

SEC. 47. The Legislature shall not pass any act authorizing Licenses.

3 Mich. Rep. 314. the grant of license for the sale of ardent spirits or other
Ibid 330, 343. intoxicating liquors.

Style of laws. SEC. 48. The style of the laws shall be, "The people of the State of Michigan enact."

ARTICLE V.

EXECUTIVE DEPARTMENT.

Governor and Lt. Governor. SECTION 1. The Executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

Eligibility. SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

How elected. SEC. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor, shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

Power of Governor. SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

Executive business. SEC. 5. He shall transact all necessary business with officers of Government, and may require information, in writing, from the officers of the Executive department, upon any subject relating to the duties of their respective offices.

Execution of laws. SEC. 6. He shall take care that the laws be faithfully executed.

Convening the Legislature. SEC. 7. He may convene the Legislature on extraordinary occasions.

Messages. SEC. 8. He shall give to the Legislature, and at the close of his official term, to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

May convene the Legislature at other place than capitol. SEC. 9. He may convene the Legislature at some other place, when the Seat of Government becomes dangerous from disease or a common enemy.

Writs of election. SEC. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

SEC. 11. He may grant reprieves, commutations and pardons ^{Reprieves and pardons.} after convictions, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

SEC. 12. In case of the impeachment of the Governor, his ^{Vacancy, etc.} removal from office, death, inability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 13. During a vacancy in the office of Governor, if the ^{Vacancy; how filled.} Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the President *pro tempore* of the Senate shall act as Governor, until the vacancy be filled, or the disability cease.

SEC. 14. The Lieutenant Governor shall, by virtue of his ^{Lieut. Governor to be President of Senate.} office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

SEC. 15. No member of Congress, nor any person holding ^{Officers ineligible to the office of Governor.} office under the United States, or this State, shall execute the office of Governor.

SEC. 16. No person elected Governor or Lieutenant Governor, ^{Governor, etc., not to receive appointment from Legislature.} nor, shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them, for any such office, shall be void.

SEC. 17. The Lieutenant [Governor] and President of the ^{Compensation.} Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

SEC. 18. All official acts of the Governor, his approval of ^{Great Seal.}

the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the Secretary of State.

**Commissions;
how issued.**

SEC. 19. All commissions issued to persons holding office under the provisions of this Constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Judicial power.

SECTION 1. The Judicial power is vested in one Supreme Court, in Circuit Courts, in Probate Courts, and in Justices of the Peace. Municipal Courts of civil and criminal jurisdiction may be established by the Legislature in cities.

Supreme Court.

SEC. 2. For the term of six years, and thereafter, until the Legislature otherwise provide, the Judges of the several Circuit Courts shall be Judges of the Supreme Court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a Supreme Court, with the jurisdiction and powers prescribed in this Constitution, to consist of one Chief Justice and three Associate Justices, to be chosen by the electors of the State. Such Supreme Court, when so organized, shall not be changed or discontinued by the Legislature for eight years thereafter. The Judges thereof shall be so classified that but one of them shall go out of office at the same time. Their term of office shall be eight years.

Powers.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Terms.

SEC. 4. Four terms of the Supreme Court shall be held annually, at such times and places as may be designated by law.

Rules, etc.

SEC. 5. The Supreme Court shall, by general rules, establish, modify and amend the practice in such court and in the Circuit Courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of Master in Chancery is prohibited.

**Masters in Chan-
cery prohibited.**

SEC. 6. The State shall be divided into eight Judicial Cir-

cuits; in each of which the electors thereof shall elect one Judicial circuits- Circuit Judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.

SEC. 7. The Legislature may alter the limits of circuits, or Alteration. increase the number of the same. No alteration or increase shall have the effect to remove a Judge from office. In every additional circuit established, the Judge shall be elected by the electors of such circuit, and his term of office shall continue, as provided in this Constitution for Judges of the Circuit Court.

SEC. 8. The Circuit Courts shall have original jurisdiction Powers, etc. in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

SEC. 9. Each of the Judges of the Circuit Courts shall Salary of Judges. receive a salary payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void.

SEC. 10. The Supreme Court may appoint a reporter of its Reporter of decisions. decisions. The decisions of the Supreme Court shall be in writing, and signed by the Judges concurring therein. Any Judge dissenting therefrom, shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the Supreme Court. The Judges of the Circuit Court, within their respective Vacancies; how filled. jurisdictions, may fill vacancies in the office of County Clerk and of Prosecuting Attorney; but no Judge of the Supreme Court, or Circuit Court, shall exercise any other power of appointment to public office.

SEC. 11. A Circuit Court shall be held at least twice in each Terms of Circuit Courts. year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the Circuit Court may hold courts for each other, and shall do so when required by law.

SEC. 12. The clerk of each county organized for judicial

Clerk of Circuit Court. purposes, shall be the Clerk of the Circuit Court of such county, and of the Supreme Court, when held within the same.

Courts of Probate. SEC. 13. In each of the counties organized for judicial purposes, there shall be a Court of Probate. The Judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such court shall be prescribed by law.

Vacancies; how filled. SEC. 14. When a vacancy occurs in the office of Judge of the Supreme, Circuit or Probate Court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

Courts of Record. SEC. 15. The Supreme Court, the Circuit and Probate Courts of each county, shall be Courts of Record, and shall each have a common seal.

Circuit Court Commissioners. SEC. 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a Judge of the Circuit Court at chambers.

Justices of the Peace; how elected, etc. SEC. 17. There shall be not exceeding four Justices of the Peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A Justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of Justices in cities.

Jurisdiction of Justices. SEC. 18. In civil cases, Justices of the Peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties as shall be prescribed by the Legislature.

Conservators of the Peace. SEC. 19. Judges of the Supreme Court, Circuit Judges, and Justices of the Peace, shall be conservators of the peace within their respective jurisdictions.

Election of Circuit Judges. SEC. 20. The first election of Judges of the Circuit Courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made

to hold the subsequent election of such additional Judges at the regular election herein provided.

SEC. 21. The first election of Judges of the Probate Courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter. Election of Judges of Probate.

SEC. 22. Whenever a Judge shall remove beyond the limits of the jurisdiction for which he was elected, or a Justice of the Peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices. What deemed vacancy. 3 Mich. Rep. 70.

SEC. 23. The Legislature may establish Courts of Conciliation, with such powers and duties as shall be prescribed by law. Courts of Conciliation.

SEC. 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice. Suitors may appear by attorney or in person.

SEC. 25. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact. Libels; truth may be given in evidence.

SEC. 26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, nor without probable cause, supported by oath or affirmation. Security from search and seizure.

SEC. 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties, in such manner as shall be prescribed by law. Right of trial by jury.

SEC. 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defence. Accused to have speedy trial, etc.

SEC. 29. No person, after acquittal upon the merits, shall be tried for the same offence; all persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident, or the presumption great. Acquittal upon merits.

Treason.

SEC. 30. Treason against the State shall consist only in levying war against [it], or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

Bail, etc.

SEC. 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained.

No person compelled to testify against himself.

SEC. 32. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

Imprisonment for debt.
14 Ill. R. 410.

SEC. 33. No person shall be imprisoned for debt arising out of or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

Militia fines.

Competency of witnesses.

SEC. 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Style of process.
5 Gilman 96. 5
Missouri, 227.
Tweed vs. Metcalf
—4 Mich. R.

SEC. 35. The style of all process shall be: "In the name of the people of the State of Michigan."

ARTICLE VII.

ELECTIONS.

Qualification of electors.

SECTION 1. In all elections every white male citizen; every white male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid; and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election.

Votes to be by ballot.

SEC. 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

SEC. 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and going to and returning from the same. Privilege of electors from arrest.

SEC. 4. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger; or attend court as a suitor or witness. From military duty.

SEC. 5. No elector shall be deemed to have gained or lost residence, by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison. Residence of electors.

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise. Purity of elections.

SEC. 7. No soldier, seaman, nor marine in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same. Soldiers, etc., not residents.

SEC. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal, or accessory before the fact, shall be disqualified from holding any office under the Constitution and laws of this State, and shall not be permitted to vote at any election. Dueling disqualifies from office and from elective franchise.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election, a Secretary of State, a Superintendent of Public Instruction, a State Treasurer, a Commissioner of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their offices at the Seat of Government, and shall perform such duties as may be prescribed by law. State officers to be elected. Where to keep their offices.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter. Term of office.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session. Vacancy; how filled.

SEC. 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a Board of Board of State Auditors.

To be State Can-
vassers.

State Auditors, to examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a Board of State Canvassers, to determine the result of all elections for Governor, Lieutenant Governor and State officers, and of such other officers as shall by law be referred to them.

In case of a tie,
Legislature to
make choice.

SEC. 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the Board of State Canvassers, the Legislature in joint convention shall choose one of said persons to fill such office. When the determination of the Board of State Canvassers is contested, the Legislature in joint convention shall decide which person is elected.

ARTICLE IX.

SALARIES.

Salaries

SECTION 1. The Governor shall receive an annual salary of one thousand dollars; the Judges of the Circuit Court shall each receive an annual salary of one thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Auditor General shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

ARTICLE X.

COUNTIES.

Counties to be
bodies corporate.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

Not to be reduced
to less than six-
teen townships.

SEC. 2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law a majority of electors residing in each county to be affected thereby shall so decide. The Legislature may organize any

city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. In each organized county there shall be a Sheriff, ^{a County officers.} a County Clerk, a County Treasurer, a Register of Deeds and a Prosecuting Attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The Board of Supervisors in any county may unite the offices of County Clerk and Register of Deeds in one office, or disconnect the same.

SEC. 4. The Sheriff, County Clerk, County Treasurer, Judge ^{Offices at county seat.} of Probate and Register of Deeds, shall hold their offices at the county seat.

SEC. 5. The Sheriff shall hold no other office, and shall be ^{Sheriff to hold no other office.} incapable of holding the office of Sheriff longer than four in any period of six years. He may be required by law to re- ^{To give security.} new his security from time to time, and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

SEC. 6. A Board of Supervisors, consisting of one from each ^{Board of Supervisors.} organized township, shall be established in each county, with such powers as shall be prescribed by law.

SEC. 7. Cities shall have such representation in the Board ^{Cities to be represented in Board.} of Supervisors of the counties in which they are situated, as the Legislature may direct.

SEC. 8. No county seat once established shall be removed ^{County seats; how removed} until the place to which it is proposed to be removed shall be designated by two-thirds of the Board of Supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 9. The Board of Supervisors of any county may bor- ^{Board of Supervisors may borrow money for highways, etc.} row or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon.

SEC. 10. The Board of Supervisors, or in the county of ^{To adjust claims against counties.} Wayne the Board of County Auditors, shall have the exclusive power to prescribe and fix the compensation for all services

rendered for, and to adjust all claims against their respective
 S Mich. Rep. 475. counties; and the sum so fixed or defined shall be subject to
 no appeal.

Board of Super-
 visors to provide
 for laying out
 highways, etc.

SEC. 11. The Board of Supervisors of each organized county
 may provide for laying out highways, constructing bridges
 and organizing townships, under such restrictions and limita-
 tions as shall be prescribed by law.

ARTICLE XI.

TOWNSHIPS.

Township off-
 cers.

SECTION 1. There shall be elected annually, on the first Mon-
 day of April, in each organized township, one Supervisor, one
 Township Clerk, who shall be *ex-officio* School Inspector, one
 Commissioner of Highways, one Township Treasurer, one
 School Inspector, not exceeding four Constables, and one Over-
 seer of Highways for each highway district, whose powers
 and duties shall be prescribed by law.

Townships to be
 bodies corporate.

SEC. 2. Each organized township shall be a body corporate,
 with such powers and immunities as shall be prescribed by
 law. All suits and proceedings by or against a township shall
 be in the name thereof.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

Impeachments.

SECTION 1. The House of Representatives shall have the
 sole power of impeaching civil officers for corrupt conduct in
 office, or for crimes and misdemeanors; but a majority of the
 members elected shall be necessary to direct an impeachment.

How tried.

SEC. 2. Every impeachment shall be tried by the Senate.
 When the Governor or Lieutenant Governor is tried, the Chief
 Justice of the Supreme Court shall preside. When an impeach-
 ment is directed, the Senate shall take an oath or affirmation
 truly and impartially to try and determine the same according
 to the evidence. No person shall be convicted without the
 concurrence of two-thirds of the members elected. Judgment,
 in case of impeachment, shall not extend further than removal
 from office; but the party convicted shall be liable to punish-
 ment according to law.

3 Cowen, 683.

House to elect
 three members
 to prosecute.

SEC. 3. When an impeachment is directed, the House of
 Representatives shall elect from their own body three mem-
 bers, whose duty it shall be to prosecute such impeachment.
 No impeachment shall be tried until the final adjournment of
 the Legislature, when the Senate shall proceed to try the same.

SEC. 4. No judicial officer shall exercise his office, after an impeachment is directed, until he is acquitted. Impeachment of judicial officer.

SEC. 5. The Governor may make a provisional appointment to a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor. Vacancy; how filled.

SEC. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a Judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each House of the Legislature; but the cause for which such removal is required shall be stated at length in such resolution. Removal of Judge.

SEC. 7. The Legislature shall provide by law for the removal of any officer elected by a county, township, or school district, in such manner and for such cause as to them shall seem just and proper. Removal of certain officers.

ARTICLE XIII.

EDUCATION.

SECTION 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law. Education.

SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation. School Fund.

SEC. 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools. Escheats.

SEC. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language. Free Schools.

SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglect- District Schools.

ing to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

Election of Regents of University.

SEC. 6. There shall be elected in each judicial circuit, at the time of the election of the Judge of such circuit, a Regent of the University, whose term of office shall be the same as that of such Judge. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.

Regents body corporate.

SEC. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

President of University.

SEC. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex-officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

Board of Education.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex-officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Asylums.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

Agricultural School.

SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the

support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

SEC. 12. The Legislature shall also provide for the establish-^{Town Libraries}ment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

ARTICLE XIV.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes, except those received^{Specific taxes.} from the mining companies of the Upper Peninsula, shall be applied in paying the interest upon the Primary School, University and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the Primary School Interest Fund. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State Government, the interest of the State debt, and such deficiency as may occur in the resources.

SEC. 2. The Legislature shall provide by law a sinking fund^{Sinking Fund.} of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent. per annum, and an annual increase of at least five per cent., to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

SEC. 3. The State may contract debts to meet deficits in^{State may contract debts, etc.} revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

SEC. 4. The State may contract debts to repel invasion,^{To repel invasions.} suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be

applied to the purposes for which it was raised, or to repay such debts.

Money; how paid out. SEC. 5. No money shall be paid out of the Treasury, except in pursuance of appropriations made by law.

State credit, etc. SEC. 6. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

Scrip not to be issued. SEC. 7. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

State not to subscribe stock. SEC. 8. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

Not to engage in internal improvement. SEC. 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property.

To collect specific tax. SEC. 10. The State may continue to collect all specific taxes accruing to the Treasury under existing laws. The Legislature may provide for the collection of specific taxes, from banking, railroad, plank road and other corporations hereafter created.

Uniform rate of taxation. SEC. 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law.

Assessments. SEC. 12. All assessments hereafter authorized shall be on property at its cash value.

Equalization. SEC. 13. The Legislature shall provide for an equalization by a State board, in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

Laws imposing taxes. SEC. 14. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

A R T I C L E X V.

C O R P O R A T I O N S.

How formed. SECTION 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be altered, amended or repealed.

Banking law to be SEC. 2. No banking law or law for banking purposes, or

amendments thereof, shall have effect until the same shall, ^{submitted to people.} after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

SEC. 3. The officers and stockholders of every corporation ^{Individual Liability.} or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being officers or stockholders of such corporation or association.

SEC. 4. The Legislature shall provide by law for the regis- ^{Registry of bills.} try of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in specie.

SEC. 5. In case of the insolvency of any bank or banking ^{Bill holders entitled to preference.} association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The Legislature shall pass no law authorizing or ^{Suspension.} sanctioning the suspension of specie payments by any person, association or corporation.

SEC. 7. The stockholders of all corporations and joint stock ^{Liability.} associations shall be individually liable for all labor performed for such corporation or association.

SEC. 8. The Legislature shall pass no law altering or amend- ^{Amendment, etc.} ing any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

SEC. 9. The property of no person shall be taken by any ^{Property; how taken.} corporation for public use without compensation being first made or secured, in such manner as may be prescribed by law.

SEC. 10. No corporation, except for municipal purposes, ^{or Term of corporation.} for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years.

SEC. 11. The term "corporation," as used in the preceding ^{Construction of term corporation.} sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue,

and be subject to be sued in all courts, in like cases as natural persons.

Limitation of
term for holding
real estate.

SEC. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

Cities and villa-
ges.

SEC. 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

Election of judi-
cial officers.

SEC. 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the Legislature may direct.

Private property;
how taken.

SEC. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner provided by law.

2 Mich. Rep. 580.

Notice for char-
ter.

SEC. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.

EXEMPTIONS.

Of personal prop-
erty.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

Of homestead.

SEC. 2. Every homestead of not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon, lawfully obtained;

2 Gray 384.

but such mortgage or other alienation of such land by the ^{2 Gray 334.} owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. The homestead of a family, after the death of the ^{1b} owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this Constitution, in all cases, during the minority of his children.

SEC. 4..If the owner of a homestead die, leaving a widow ^{1b} but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

SEC. 5. The real and personal estate of every female, ac- ^{Estate of females.} quired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

ARTICLE XVII.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied ^{Of whom com-} white male citizens, between the ages of eighteen and forty- ^{posed.} five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

SEC. 2. The Legislature shall provide by law for organizing, ^{Organization.} equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, ^{Officers; how} and be commissioned in such manner as may be provided by ^{elected.} law.

ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, Ex- ^{Oath of office} ecutive and Judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or

affirmation : "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

Private property
for public use.

SEC. 2. When private property is taken for the use or benefit of the public, the necessity for using such property, and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law.

2 Mich. R. 560.
1 Pick. 418 ;
7 do 344 ;
18 do 501 ;
23 do 360.

Mechanical
trades in State
Prison.

SEC. 3. No mechanical trade shall hereafter be taught to convicts in the State Prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.

Navigable
streams.

SEC. 4. No navigable stream in this State shall be either abridged or dammed without authority from the Board of Supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

Public moneys.

SEC. 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to, and published with the laws at every regular session of the Legislature.

Laws, etc., to be
in English lan-
guage.

SEC. 6. The laws, public records, and the written judicial and Legislative proceedings of the State, shall be conducted, promulgated and preserved in the English language.

Right to bear
arms.

SEC. 7. Every person has a right to bear arms for the defence of himself and the State.

Military, etc.

SEC. 8. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

Soldiers not to be
quartered in pri-
vate house.

SEC. 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war except in a manner prescribed by law.

Right of petition.

SEC. 10. The people have the right peaceably to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. Neither slavery, nor involuntary servitude, unless

for the punishment of crime, shall ever be tolerated in this State. Slavery prohibited.

SEC. 12. No lease or grant hereafter of agricultural land for a Leases. longer period than twelve years, reserving any rent or service of any kind, shall be valid.

SEC. 13. Aliens who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens. Aliens may hold property.

SEC. 14. The property of no person shall be taken for public use, without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessities of the road and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefited. Private property. 21 Harb. 518; 2 Mich. Rep. 660. Private roads.

SEC. 15. No general revision of the laws shall hereafter be made. When a reprint thereof becomes necessary, the Legislature, in joint convention, shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two Commissioners appointed by the Governor, for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law. Revision of laws.

ARTICLE XIX.

UPPER PENINSULA.

SECTION 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay, and the Straits of Mackinac and the River Ste. Marie, shall constitute a separate Judicial District, and be entitled to a District Judge and District Attorney. Upper Peninsula.

SEC. 2. The District Judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a Circuit Judge in his circuit, and shall hold his office for the same period. District Judge.

SEC. 3. The District Attorney shall be elected every two years by the electors of the district, shall perform the duties Attorney.

of Prosecuting Attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

Senators and Representatives.

SEC. 4. Such judicial district shall be entitled at all times to at least one Senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

Compensation of Judge, etc.

SEC. 5. The Legislature may provide for the payment of the District Judge a salary not exceeding one thousand dollars a year, and of the District Attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legislature from such territory, not exceeding two dollars a day during any session.

Election; when to take place.

SEC. 6. The elections for all district or county officers, State Senator or Representatives, within the boundaries defined in this article, shall take place on the last Tuesday of September in the respective years in which they may be required. The county canvass shall be held on the first Tuesday in October thereafter, and the district canvass on the last Tuesday of said October.

Taxes.

SEC. 7. One half of the taxes received into the Treasury from mining corporations in the Upper Peninsula, paying an annual State tax of one per cent., shall be paid to the Treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

State Prison may be removed.

SEC. 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.

Mining Companies.

SEC. 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Consti-^{Amendment.} tution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next general election thereafter, and if a majority of the electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution.

SEC. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other time as the Legislature may by law provide, the question of a general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a Convention for such purpose, the Legislature, at the next session, shall provide by law for the election of delegates to such Convention. All the amendments shall take effect at the commencement of the political year after their adoption.

Question of calling Convention to be submitted to the people at certain times.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

SECTION 1. The common law and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature.

Common and statute law to remain in force.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the

Writs, actions, etc., to be proceeded in.

adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department under this Constitution.

Fines, etc.

SEC. 3. That all fines, penalties, forfeitures and escheats accruing to the State of Michigan under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

*Recognizances,
etc.*

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Michigan, to any State, county or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Michigan," to any such officer or public body, before the complete organization of the departments of Government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be tried, punished and prosecuted, as though no change had taken place, until otherwise provided by law.

*Governor and Lt.
Governor.*

SEC. 5. A Governor and Lieutenant Governor shall be chosen under the existing Constitution and laws, to serve after the expiration of the term of the present incumbent.

*Officers to hold
office.*

SEC. 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this Constitution.

*Senators and Re-
presentatives to
hold office.*

SEC. 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one, shall continue in office under the provisions of law, until superseded by their successors, elected and qualified under this Constitution.

*County officers to
hold office.*

SEC. 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this Constitution, provide for the holding of elections

to fill such offices, and prescribe the duties of such officers respectively.

SEC. 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the Judges of the Supreme Court under existing laws, and of the Judges of the County Courts, and of the Clerks of the Supreme Court, shall expire on the said day. Term of certain officers.

SEC. 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present Supreme Court shall become vested in the Supreme Court established by this Constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the Circuit Courts and County Courts for the several counties, shall become vested in the Circuit Court of the said counties, and District Court for the Upper Peninsula. Jurisdiction, etc.

SEC. 11. The Probate Courts, the Courts of Justices of the Peace, and the Police Court, authorized by an act entitled "An act to establish a Police Court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law. Probate and justices' courts to exercise jurisdiction.

SEC. 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office. State Printer.

SEC. 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this Constitution, as far as may be. Duty of Legislature of 1861.

SEC. 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions; and he shall receive no additional compensation therefor. Duty of Attorney General.

SEC. 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation. Territory, etc.

Constitution to be submitted to people.

SEC. 16. This Constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection, at the same time, the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this Constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next this Constitution as submitted, shall receive as compensation therefor the sum of twenty-five dollars, to be paid as the Legislature shall direct.

Qualification of electors.

SEC. 17. Any person entitled to vote for members of the Legislature, by the Constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of this Constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

Ballot box.

SEC. 18. At the said general election, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words "Adoption of the Constitution—yes," or "Adoption of the Constitution—no."

Canvass.

SEC. 19. The canvass of the votes cast for the adoption or rejection of this Constitution, and the provision in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, the Auditor General, State Treasurer and Secretary of State shall meet at the Capitol, and proceed, in presence of the Governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the Constitution—yes," this Constitution shall be the supreme law of the State from and after the first

day of January, one thousand eight hundred and fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the Constitution—no," the same shall be null and void. And in case of the adoption of this Constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for Judges of the Supreme Court and State officers under the act entitled, "An act to amend the Revised Statutes, and to provide for the election of certain officers by the people, in pursuance to an amendment of the Constitution, approved February sixteenth, one thousand eight hundred and fifty," and shall ascertain, determine and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law in regard to the election of Representatives in Congress. And the several judges and officers so ascertained to have been elected, may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

SEC. 20. The salaries or compensation of all persons holding office under the present Constitution shall continue to be the same as now provided by law, until superseded by their successors elected or appointed under this Constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed. Salaries

SEC. 21. The Legislature, at their first session, shall provide for the payment of all expenditures of the Convention to revise the Constitution, and of the publication of the same, as is provided in this article. Expenditures of Convention; how paid

SEC. 22. Every county, except Mackinaw and Chippewa, entitled to a Representative in the Legislature, at the time of the adoption of this Constitution, shall continue to be so entitled under this Constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one Representative; the county of Tuscola, and the territory that may be attached, one Representative; the county of Sanilac, and the territory that may be attached, one Representative; the counties of Midland and Aronac, with the territory that may be attached, one Representative; the county of Montcalm, with the territory that may be attached thereto, one Representative; and the counties of Newaygo and Oceana, with Representative districts

the territory that may be attached thereto, one Representative. Each county having a ratio of representation and a fraction over equal to a moiety of said ratio, shall be entitled to two Representatives, and so on above that number, giving one additional member for each additional ratio.

Cases pending in Chancery.

SEC. 23. The cases pending and undisposed of in the late Court of Chancery at the time of the adoption of this Constitution, shall continue to be heard and determined by the Judges of the Supreme Court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the Supreme or Circuit Court established by this Constitution, or require that the same may be heard and determined by the Circuit Judges.

Term of office of Governor and Lt. Governor.

SEC. 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

Upper Peninsula.

SEC. 25. The territory described in the article entitled "Upper Peninsula," shall be attached to, and constitute a part of the third circuit for the election of a Regent of the University.

District Judge and District Attorney.

SEC. 26. The Legislature shall have authority, after the expiration of the term of office of the District Judge first elected for the "Upper Peninsula," to abolish said office of District Judge and District Attorney, or either of them.

Legislature of 1851; its duties.

SEC. 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the Representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this Constitution.

Terms of State and County officers.

SEC. 28. The terms of office of all State and county officers, of the Circuit Judges, members of the Board of Education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

State divided into eight judicial circuits.

SEC. 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren shall constitute the fifth circuit; [the] counties of St. Clair, Macomb,

Oakland and Sanilac shall constitute the sixth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm shall constitute the eighth circuit.

Done in Convention at the Capitol of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

D. GOODWIN, *President*.

COMPILED LAWS.

Rules of construction of Statutes.

(2.) SEC. 3. In the construction of the statutes of this State, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Legislature, that is to say :

1. All words and phrases shall be construed and understood according to the common and approved usage of the language ; but technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning ;

2. Every word importing the singular number only, may extend to and embrace the plural number, and every word importing the plural number, may be applied and limited to the singular number ; and every word importing the masculine gender only, may extend and be applied to females as well as males ;

3. All words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority ;

4. The words "annual meeting," when applied to townships, shall be construed to mean the annual meeting required by law to be held in the month of April ;

5. The word "grantor," may be construed as including every person from or by whom any estate in lands passes, in or by any deed ; and the word "grantee," as including every person to whom any such interest or estate passes in like manner ;

6. The word "inhabitant," may be construed to mean a resident of a city, township, village, district, or county ;

7. The words "insane person," shall be construed to include an idiot, a *non compos*, lunatic, and distracted person ;

8. The word "issue," as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor ;

9. The word "land," or "lands," and the words "real estate," shall be construed to include lands, tenements, and real estate, and all rights thereto, and interests therein ;

10. The word "month," shall be construed to mean a calendar month ; and the word "year," a calendar year ; and the word "year" alone, shall be equivalent to the words "year of our Lord ;"

11. The word "oath," shall be construed to include the word

"affirmation," in all cases where by law an affirmation may be substituted for an oath ; and in like cases the word "sworn" shall be construed to include the word "affirmed ;"

12. The word "person," may extend and be applied to bodies politic and corporate, as well as to individuals ;

Rules of construction of Statutes.

13. The words "preceding," and "following," when used by way of reference to any title, chapter or section of these Revised Statutes, shall be construed to mean the title, chapter or section next preceding, or next following that in which such reference is made, unless when some other title, chapter or section is expressly designated in such reference ;

14. In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal," shall be construed to mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax ;

15. The word "State," when applied to the different parts of the United States, shall be construed to extend to, and include the District of Columbia, and the several Territories belonging to the United States ; and the words "United States," shall be construed to include the said district and Territories ;

16. The word "will," shall be construed to include codicils, as well as wills ;

17. The words "written," and "in writing," may be construed to include printing, engraving and lithographing ; except that in all cases where the written signature of any person is required by law, it shall always be the proper handwriting of such person ; or in case he is unable to write, his proper mark ;

18. All acts of incorporation shall be deemed public acts, and as such, may be declared on, and given in evidence, without specially pleading the same ;

19. The words "general election," shall be construed to mean the election required by law to be held in the month of November.

(3.) SEC. 4. Whenever a statute, or any part thereof, shall be repealed by a subsequent statute, such statute, or any part thereof, so repealed, shall not be revived by the repeal of such subsequent repealing statute.

Repeal of repealing Statute.

(4.) SEC. 5. The Secretary of State, immediately after any act of the Legislature shall have been deposited with him,

Secretary of State to furnish copies

of Statutes for shall furnish a true copy thereof to the publishers of the State publication. 1837, p. 22. paper, who shall immediately publish the same in such paper.

Distribution of (5.) SEC. 6. The Secretary of State shall be entitled to one Statutes. copy of the Statutes for the use of his office, and he shall annually, and from time to time, immediately after their publication in volumes, deposit thirty copies thereof in the State library, for the use of the Legislature, and distribute to the following public officers, persons, corporations and societies, one copy each, that is to say :

Who entitled to copy. The Governor, Lieutenant Governor, Senators and members of the House of Representatives, the Secretary of the Senate and Clerk of the House of Representatives, the Senators and Representatives of this State in Congress, the Secretary of State of the United States, *Chancellor*, each Judge of a Court of Record in this State, Attorney General, Auditor General, State Treasurer, Adjutant General, *the President of the Board of Internal Improvements*, Superintendent of Public Instruction, Superintendent of the State Prison, Judge of the District Court of the United States for the district of Michigan, Clerk of the last named court, the several clerks and registers of Courts of Record, *Masters in Chancery*, Prosecuting Attorneys, Sheriffs, keepers of jails, Judges of Probate, Registers of Deeds, County Treasurers, County Surveyors, Boards of County Superintendents of the Poor, Coroners, Justices of the Peace, Supervisors and Clerks of townships for the use of their townships, the Historical Society of Michigan, the Library of Congress, the Library of the University of Michigan, and of each branch thereof, the Governor of each of the States and Territories of the United States, for the use of such State or Territory. (a)

County Clerks to furnish Secretary of State with No. of officers, etc., entitled to copy of Laws. (6.) SEC. 7. Each County Clerk, within one month after the adjournment of the Legislature in each year, shall forward to the Secretary of State a statement of the number of officers, persons, corporations, and societies in his county, entitled by law to a copy of the laws of the next preceding session of the Legislature; and as soon as the same are ready for distribution, the Secretary of State shall, at his office, deliver to such clerk, or to his order, properly packed, the number of copies set forth in such statement, and take a receipt therefor.

1837-8, p. 251.

County Clerk to give notice, and take receipt. (7.) SEC. 8. The County Clerk, on the receipt of the laws, shall give notice thereof in a newspaper published in his

(a) As amended by Act 105 of 1847, p. 167, Sec. 2. The offices in italics are abolished.

county, if there be one, and if not, by posting up notices in three or more of the most public places therein; and he shall deliver, on demand at his office, to the township clerk of each township, the number of copies to which such township shall be entitled, taking and preserving in his office a receipt for the same, and the township clerk in like manner shall deliver a copy to each public officer in his township entitled thereto, taking and preserving in his office a receipt therefor. (a)

(8.) SEC. 9. Every person receiving a copy of the laws on account of any office held by him, shall, when he ceases to hold such office, deliver over to his successor in office all laws received by him as such officer, and take the receipt of his successor therefor, and deposit such receipt, if a township officer, with the township clerk, and if a county officer, with the county clerk; and any person who shall neglect or refuse to deliver over to his successor in office all laws received by him as aforesaid, shall be liable to such successor in an action for money had and received, to the full amount it shall cost him to furnish himself with such laws, and costs of suit; which action shall, on request, be brought and prosecuted by the Prosecuting Attorney of the county.

Officer receiving Statutes to deliver same to his successor — consequence of neglect.

(9.) SEC. 10. The expense of publishing the notice aforesaid, and of transporting the laws from the office of the Secretary of State to the County Clerk's office, shall be audited and allowed by the Boards of Supervisors, and paid out of the County Treasury. (b)

Expense of notice and transportation, how paid.

(10.) SEC. 11. As soon as the laws are ready for distribution, the Secretary of State shall transmit a written or printed notice thereof to each County Clerk; and the expense of such notice, and all accounts for boxes furnished to the Secretary of State, for the package and distribution of the laws, when certified by him to be correct, shall be audited and allowed by the Auditor General, and paid out of the State Treasury.

Secretary to give notice when laws are ready for distribution.

An Act to provide for the Preservation of the Laws of this State.

[Approved March 15, 1847. Laws of 1847, p. 55.]

(11.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be, and he is hereby required, to cause to be arranged and bound in a substantial manner, all acts and joint resolu-

Secretary of State to cause Acts, etc., to be bound.

(a) As amended by Act 65 of 1850, p. 54, Sec. 2.

(b) As amended by Act 105 of 1847, p. 168, Sec. 2.

tions of the several Legislatures of this State, which become laws under the Constitution, so far as the same may be on file in his office.

Secretary of State to cause Acts, etc., to be bound.

(12.) SEC. 2. Hereafter, at the close of each session of the Legislature, the Secretary of State shall cause to be bound in like manner the enrolled acts and joint resolutions of the Legislature, which shall become laws under the Constitution of this State, and shall certify, under his hand and the seal of the State, on the frontispiece of the volume, that said volume contains the whole of the original acts and joint resolutions, as enrolled by the clerks, signed by the presiding officers of the Senate and House of Representatives, and approved by the Governor, or which may have become laws under the Constitution of this State, without his signature or approval.

Acts, etc., to be kept in office of Secretary of State.

(13.) SEC. 3. The acts and joint resolutions, when bound and certified as specified in this act, shall be kept in the office of the Secretary of State, and no further record thereof shall be required to be kept. The expenses of arranging and binding the laws, as specified in the preceding sections of this act, shall be paid by the Treasurer of the State, out of any moneys in the Treasury not otherwise appropriated, on the certificate of the Secretary of State.

Expense of binding, etc.

Certain provisions repealed.

(14.) SEC. 4. So much of section one of chapter one of the Revised Statutes of one thousand eight hundred and forty-six, as makes it the duty of the Secretary of State to record the original acts of the Legislature in books to be provided by him for that purpose be, and the same is hereby repealed.

SEC. 5. This act shall take effect, and be in force from and after its passage.

Joint Resolution relative to the Distribution of the Laws.

[Approved February 7, 1848. Laws of 1848, p. 444.]

Township Clerks to be furnished with Laws in State paper.

(15.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be, and he hereby is authorized and required to send or cause to be sent to the clerk of each and every organized township in the State of Michigan, a copy of the State Paper during such portion of each year as the laws of this State are published therein.

Joint Resolution authorizing the Sale of the Published Laws and Documents.

[Approved April 8, 1861. Laws of 1861, p. 261.]

(16.) *Resolved, by the Senate and House of Representatives of the*

State of Michigan, That the Secretary of State be and he hereby is authorized to sell, in his discretion, such extra copies of the published laws, journals and documents of the Legislature, and journals and debates of the Convention, deposited in his office, as will not be required for distribution, at a fair price, not less than the actual cost thereof; and he shall account for the same to the Board of State Auditors, and pay the money received therefor into the State Treasury.

Secretary of
State may sell
copies of Laws
and Documents.

This joint resolution shall take effect immediately.

CHAPTER II.

OF THE LEGISLATURE.

SECTION

17. Officers of, when not to be arrested.
18. What may be punished as contempts.
19. Contempt to be deemed a misdemeanor.

SECTION

20. By whom oath to be administered to members.
21. Members of Committees may administer oaths.

Chapter II, of Revised Statutes of 1846.

(17.) SECTION 1. No officer of the Senate or House of Representatives, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

Officers of, when
not to be arrest-
ed.

Const. of Mich.
Art. 4, Sec. 7.

(18.) SEC. 2. Each House may punish as a contempt, and by imprisonment, a breach of its privileges, or the privileges of its members, but only for one or more of the following offences, to wit:

What offences
may be punished
as contempts.

1. The offence of arresting a member or officer of the House, or procuring such member or officer to be arrested, in violation of his privilege from arrest;

2. That of disorderly conduct in the immediate view of the House, and directly tending to interrupt its proceedings;

3. That of refusing to attend, or be examined as a witness, either before the House, or a committee, or before any person authorized by the House, or by a committee, to take testimony in Legislative proceedings;

4. That of giving or offering a bribe to a member, or of attempting by menace, or other corrupt means or device, directly or indirectly to control or influence a member in giving

his vote, or to prevent his giving the same; but the term of imprisonment which such House may impose for any contempt specified in this section, shall not extend beyond the same session of the Legislature.

Contempt to be deemed a misdemeanor.

(19.) SEC. 3. Every person who shall be guilty of any contempt specified in the preceding section, shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the State Prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the Court.

By whom oath of Members to be administered.

(20.) SEC. 4. The oath of office of any member or officer of the Senate or House of Representatives, may be administered by, and taken and subscribed before *the Chancellor*, (a) any Justice of the Supreme Court, the Lieutenant Governor, the President *pro tempore* of the Senate, or the Speaker of the House of Representatives.

Members of Committees may administer oaths.

(21.) SEC. 5. Any Senator or Representative, while acting as a member of a committee of the Legislature, or either branch thereof, shall have authority to administer oaths to such persons as shall be examined before the committee of which he is a member.

1841, p. 10.

1839, p. 214.

(a) The office of Chancellor was abolished in 1847.

TITLE II.

OF THE APPORTIONMENT OF REPRESENTATIVES.

CHAPTER III. Of the Apportionment of Representatives in Congress.

CHAPTER IV. Of the Apportionment of Senators in the State Legislature.

CHAPTER V. Of the Apportionment of Representatives in the State Legislature.

CHAPTER III.

OF THE APPORTIONMENT OF REPRESENTATIVES IN CONGRESS.

An Act to Divide the State into Congressional Districts.

[Approved June 26, 1851. *Laws of 1851*, p. 271.]

(22.) SECTION 1. *The People of the State of Michigan enact,* ^{Congressional districts.}
That this State shall be divided into four Congressional districts, pursuant to a ratio of population fixed by an act of Congress under the seventh census of the United States, for apportioning anew the Representatives among the several States, and each district shall be entitled to elect one Representative, which shall be constituted as follows, to wit:

1. The first district shall consist of the counties of Wayne, Washtenaw, Jackson and Livingston.

2. The second district shall consist of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph and Cass.

3. The third district shall consist of the counties of Berrien, Van Buren, Kalamazoo, Calhoun, Eaton, Barry, Allegan, Ottawa, Kent, Ionia, Clinton, Gratiot, Lake, Mason, Montcalm, Newaygo and Oceana.

4. The fourth district shall consist of the counties of Oakland, Macomb, St. Clair, Sanilac, Huron, Lapeer, Ingham, Genesee, Shiawassee, Saginaw, Tuscola, Midland, Schoolcraft, Ontonagon, Mackinaw, Houghton, Chippewa, and all the unorganized counties not included in the third district.

CHAPTER IV.

OF THE APPORTIONMENT OF SENATORS IN THE STATE LEGISLATURE.

An Act to Rearrange the Senate Districts in this State.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 309.]

Division of State
into Senate dis-
tricts.

(23.) SECTION 1. *The People of the State of Michigan enact,* That this State shall continue to be divided into thirty-two Senate Districts, and each district entitled to one Senator, which shall be constituted as follows, to wit:

1. The first district shall consist of the third, fourth and seventh wards in the City of Detroit, and the townships of Hamtramck and Grosse Point, in the county of Wayne; the election returns shall be made to the County Clerk's office in said county;

2. The second district shall consist of the second, fifth and sixth wards of the City of Detroit, in the county of Wayne; the election returns shall be made to the County Clerk's office in said county;

3. The third district shall consist of the first and eighth wards of the City of Detroit, and the townships of Greenfield, Springwells, Ecorse and Monguagon, in the county of Wayne; the election returns shall be made to the County Clerk's office in said county;

4. The fourth district shall consist of the townships of Plymouth, Livonia, Redford, Dearborn, Nankin, Canton, Van Buren, Romulus, Taylor, Brownstown, Huron and Sumpter, in the county of Wayne; the election returns shall be made to the County Clerk's office in said county;

5. The fifth district shall consist of the townships of Oxford, Orion, Pontiac, Bloomfield, Southfield, Royal Oak, Troy, Avon, Oakland, Addison and Farmington, in the county of Oakland; the election returns shall be made to the Clerk's office of said county;

6. The sixth district shall consist of the townships of Lyon, Novi, Milford, Commerce, West Bloomfield, Highland, White Lake, Waterford, Rose, Springfield, Independence, Holly, Groveland and Brandon, in the county of Oakland; the election returns shall be made to the Clerk's office of said county;

7. The seventh district shall consist of the City of Ann Arbor, the townships of Superior, Salem, Ann Arbor, Northfield, Scio, Webster, Lima, Dexter, Sylvan and Lyndon, in the county of Washtenaw; the election returns shall be made to the Clerk's office of said county;

8. The eighth district shall consist of the townships of Ypsilanti, Augusta, Pittsfield, York, Lodi, Saline, Freedom, Bridgewater, Sharon and Manchester, in the county of Washtenaw; the election returns shall be made to the Clerk's office of said county;

9. The county of Monroe shall be the ninth district;

10. The tenth district shall consist of the second and third wards of the City of Adrian, the townships of Adrian, Franklin, Cambridge, Rome, Rollin, Woodstock, Hudson, Doan, [Dover], Medina and Seneca, in the county of Lenawee; the election returns shall be made to the Clerk's office of said county;

11. The eleventh district shall consist of the first and fourth wards of the City of Adrian, the townships of Madison, Fairfield, Ogden, Riga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the Clerk's office of said county;

12. The county of Jackson shall be the twelfth district;

13. The county of Calhoun shall be the thirteenth district;

14. The county of Hillsdale shall be the fourteenth district;

15. The county of Branch shall be the fifteenth district;

16. The county of St. Joseph shall be the sixteenth district;

17. The county of Cass shall be the seventeenth district;

18. The county of Berrien shall be the eighteenth district;

19. The counties of Van Buren and Allegan shall constitute the nineteenth district; the election returns shall be made to the Clerk's office of the county of Van Buren;

20. The county of Kalamazoo shall be the twentieth district;

21. The counties of Barry and Eaton shall constitute the twenty-first district; the election returns shall be made to the Clerk's office of the county of Eaton;

22. The counties of Ingham and Clinton shall constitute the twenty-second district; the election returns shall be made to the Clerk's office of the county of Ingham;

23. The county of Livingston shall be the twenty-third district;

24. The county of Genesee shall be the twenty-fourth district;

Division of State
into Senate dis-
tricts.

25. The county of Macomb shall be the twenty-fifth district ;

26. The county of St. Clair shall be the twenty-sixth district ;

27. The counties of Lapeer, Sanilac, Tuscola and Huron, shall constitute the twenty-seventh district ; the election returns shall be made to the Clerk's office of the county of Lapeer ;

28. The twenty-eighth district shall consist of the counties of Shiawassee, Saginaw, Midland, Gladwin, Aronac, Roscommon, Ogemaw, Iosco, Algona, Oscoda, Crawford, Otsego, Montmorency, Alpena, Presque Isle, Wyandott, Charlevoix, Emmet and Cheboygan ; the election returns shall be made to the Clerk's office of the county of Saginaw ;

29. The county of Kent shall be the twenty-ninth district ;

30. The counties of Ionia, Montcalm, Gratiot, Isabella, Mecosta, Osceola and Clare, shall constitute the thirtieth district ; the election returns shall be made to the Clerk's [office] of the county of Ionia ;

31. The thirty-first district shall consist of the counties of Ottawa, Newaygo, Oceana, Lake, Mason, Grand Traverse, Wexford, Missaukee, Kalkaska, Omeena, Leelanaw, Antrim and Manistee ; the election returns shall be made to the Clerk's office of the county of Ottawa ;

32. The thirty-second district shall consist of the counties of Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton and Ontonagon, and the islands and territory thereto attached, the islands of Lake Superior and Michigan, and in Green Bay and the Straits of Mackinaw, and the river Ste. Marie ; the election returns shall be made to the Clerk's office of the county of Chippewa ; the election returns of each county forming one district, shall be made to the Seat of Justice of such county.

Returns where
made, etc.

CHAPTER V.

OF THE APPORTIONMENT OF REPRESENTATIVES IN THE STATE LEGISLATURE.

An Act to Apportion anew the Representatives among the several Counties and Districts of this State.

[Approval February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 237.]

(24.) SECTION 1. *The People of the State of Michigan enact, That* Ratio of Representation.
the House of Representatives shall hereafter be composed of
members elected agreeably to a ratio of one Representative
for every seven thousand white persons and civilized persons Specifications.
of Indian descent, not members of any tribe, in each organized
county, and one Representative for a fraction equal to a moiety
of said ratio, and not included therein, that is to say : within
the county of Wayne, nine ; within the county of Oakland, Wayne county 9;
five ; within the counties of Washtenaw and Lenawee, four Oakland 5; Wash-
each ; within the counties of Calhoun, Hillsdale, Kent, Ma- tenaw and Lena-
comb, Monroe and Jackson, three each ; within the counties wee each 4; Cer-
of Berrien, Branch, Cass, Eaton, Genesee, Ingham, Ionia, Kala- tain Co.'s 3 each;
mazoo, Livingston, St. Clair and St. Joseph, two each ; within
the counties of Allegan, Barry, Lapeer, Ottawa, Shiawassee, Certain Co.'s 2
Van Buren, Tuscola, Mackinac and Manistue, one each ; the each; Certain
counties of Clinton and Gratiot shall compose a representative Co.'s 1 each.
district and be entitled to one Representative, the election Clinton and
returns of which said district shall be made to the county seat Gratiot, 1.
of Clinton ; the counties of Sanilac and Huron shall compose a Sanilac and
representative district and be entitled to one Representative, Huron, 1.
the election returns of which district shall be made to the
county seat of Sanilac ; the counties of Midland, Aronac, Iosco Midland, Arenac,
and Gladwin, shall constitute a representative district and be Iosco and Glad-
entitled to one Representative, the election returns of which win, 1.
said district shall be made to the county seat of the county of
Midland ; the counties of Montcalm, Isabella, Osceola, Mecosta Montcalm, Isa-
and Clare, shall compose a representative district and be entit- bella, Mecosta,
tled to one Representative, the election returns of which said Osceola and
district shall be made to the county seat of Montcalm ; Clare, 1.
the counties of Newaygo, Oceana, Lake and Mason, shall compose Newaygo, Ocea-
a representative district and be entitled to one Representative, na, Lake and
the election returns of which shall be made to the county seat Mason, 1

Manistee, Grand
Traverse, and
others, 1.

of Newaygo; the counties of Manistee, Grand Traverse, Wexford, Missaukee, Roscommon, Ogemaw, Algoma, Oscoda, Crawford, Kalaska, Leelanaw, Antrim, Otsego, Montmorency, Alpena, Presque Isle, Wyandott, Charlevoix, Emmet and Cheboygan, shall compose a representative district and be entitled to one Representative, and the election returns thereof shall be

Chippewa, Mar-
quette, School-
craft and Delta,
1.

made to the county seat of Grand Traverse; the counties of Chippewa, Marquette, Schoolcraft and Delta, shall compose a representative district and be entitled to one Representative, the election returns of which said district shall be made to

Houghton and
Ontonagon, 1.

the county seat of Chippewa; the counties of Houghton and Ontonagon shall compose a representative district and be entitled to one Representative, the election returns of which said district shall be made to the county seat of Houghton.

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CHAPTER VI.

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An Act to Provide for Holding General and Special Elections. (a)

[Approved June 27, 1851. Took effect Sept. 27, 1851. Laws of 1851, p. 281.]

General election;
when held.

(25.) SECTION 1. *The People of the State of Michigan enact,*
That a general election shall be held in the several townships

(a) This act, it is believed, supersedes the whole of Chapters 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Revised Statutes of 1846.

and wards of this State on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the following officers as are to be chosen in such years respectively, that is to say: a Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, Members of the State Board of Education, Electors of President and Vice President of the United States, Representatives in Congress, the Senators and Representatives in the State Legislature, and the following county officers, viz: Judges of Probate, Sheriffs, Clerks, Treasurers, Registers of Deeds, Prosecuting Attorneys, and such other officers as may by law be required to be elected at such general election: *Provided*, the provisions of this section shall not apply to the election of the Senator and Representatives in the State Legislature, nor to the election of county officers, in that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen of the Revised Constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a Governor and Lieutenant Governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the Constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

Officers to be elected.

Const. Art. 3, Sec. 3; Art. 6, Sec. 1; Art. 13, Sec. 9.

Art. 6, Sec. 13.

Schedule to Const. Sec. 5.

(26.) SEC. 2. Special elections may be held in the following cases, and for the election of the following officers, viz.:

In what cases special elections may be held.

1. When a vacancy shall occur in the office of Senator or Representative in the State Legislature, Representative in Congress, Judge of the Circuit or District Court, Regent of the University, or member of the State Board of Education;

2. When there has been no choice at a general election of Representative in Congress;

3. When the right of office of a person elected to any of

the aforesaid district or county offices shall cease before the commencement of the term of service for which he shall have been elected ;

4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election ;

5. When, in any other case of a vacancy not particularly provided for in this section, the Governor shall in his discretion so direct.

When vacancies may be filled at general election.

(27.) SEC. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

When special elections not to be held.

(28.) SEC. 4. No special election shall be held within three months next preceding a general election, except in cases where the Governor shall order a special election.

When to be ordered by Board of Supervisors.

(29.) SEC. 5. Special elections for the choice of the county officers named in section one of this act, shall, except in cases in which a special election is to be ordered by the Governor, be ordered by the Board of Supervisors.

To be held one day only.

(30.) SEC. 6. Special elections shall be held and continued one day only, and shall be conducted, and the result thereof canvassed and certified in all respects, as near as may be, in like manner as general elections, except as otherwise directed.

Persons having greatest number of votes deemed elected.

(31.) SEC. 7. In elections for the choice of all officers named in the first section of this act, the persons having the greatest number of votes shall be deemed to have been duly elected.

Election of Electors of President and Vice President.

(32.) SEC. 8. Whenever the time fixed by the law of Congress for the election of Electors of President and Vice President of the United States, shall not occur on the day appointed for holding the general election, such election for Electors of President and Vice President shall be held on the day so fixed by the law of Congress therefor.

2.

(33.) SEC. 9. All the provisions of law relating to the notifying and holding of the general elections, and the election of Electors of President and Vice President thereat, shall apply to every such election held pursuant to the provisions of the preceding section ; and the votes given for such Electors shall be returned and canvassed, and the result determined in the same manner in all respects, and with the like effect, as in case of the election of such Electors at a general election.

Notice of supplying vacancies in certain offices.

(34.) SEC. 10. When a vacancy shall occur in the office of Judge of the Circuit Court, Regent of the University, or member of the State Board of Education, thirty days or more

before a general election, the Secretary of State shall, at least twenty days before such election, cause a written notice to be sent to the Sheriff of each of the counties within the election district in which such vacancy may occur; which notice shall state in which office the vacancy occurred, and that such vacancy will be supplied at the next general election.

(35.) SEC. 11. The Secretary of State shall, between the first day of July and the first day of September preceding a general election, direct and cause to be delivered to the Sheriff of each county in this State, a notice in writing that at the next general election there will be chosen as many of the following officers as are to be elected at such general election, viz.: a Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, members of the State Board of Education, Electors of President and Vice President of the United States, and a Representative in Congress for the district to which each of such counties shall belong.

(36.) SEC. 12. He shall also, between the first day of July and the first day of September preceding such election, direct and cause to be delivered to the Sheriff of each county a notice in writing, stating the number of Senators and Representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a senatorial or representative district or districts.

(37.) SEC. 13. Whenever a special election shall be ordered by the Governor to fill any vacancy, the Secretary of State shall immediately notify the Sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire.

(38.) SEC. 14. When the Board of Supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred; the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one

of the inspectors of election in each ward of any city in the county.

Duty of Sheriff on receiving notice.

(39.) SEC. 15. The Sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which notice shall contain in substance the notices so received by such Sheriff; but if such county shall be divided into two or more senatorial or representative districts, then such notice, so far as it relates to the election of Senators or Representatives, shall be delivered to the proper officer in each township or ward in each respective district.

Id.

(40.) SEC. 16. He shall also give at least twenty days' notice in writing, to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election.

Duty of Township Clerk on receiving notice.

(41.) SEC. 17. The township clerk or inspector of elections receiving either of the notices directed in this act to be delivered to him, shall, by notice in writing, under his hand, give at least ten days' notice to the electors of the township or ward, of the time and place at which such election is to be held, and the officers to be chosen; and if the notice is of a general election, at which a vacancy is to be filled, it shall state the name of the person in whose office the vacancy shall have occurred, and that such vacancy will be supplied at such election; and such township clerk or inspector shall cause such notices to be posted up in at least three of the most public places in the said township or ward.

Inspectors of elections.

(42.) SEC. 18. At the general election, the supervisor, the justice of the peace, not holding the office of supervisor or town clerk, whose term of office will first expire, and the township clerk of each township, and the assessor and alderman of each ward in a city, or if in any city there be not an assessor in every ward, then the two aldermen of each ward shall be the inspectors of election, two of whom shall constitute a quorum.

When electors to choose inspectors.

(43.) SEC. 19. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, *viva voce*, such number of such electors as, with the inspector or

inspectors present, shall constitute a board of three in number; and such electors, so chosen, shall be inspectors of that election during the continuance thereof.

(44.) SEC. 20. The township clerk, if present, shall be required by the board to act as a clerk of the election, and before the opening of the polls, the inspectors in each township shall appoint another competent person to be clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward in a city shall appoint two competent persons to be such clerks; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which ^{4 Selden, 67, 88.} oath either of the inspectors may administer.

(45.) SEC. 21. The polls of the election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but the board may adjourn the polls at twelve o'clock noon, for one hour, in their discretion; but the inspectors shall cause proclamation to be made of the opening and closing of the polls, and of each adjournment. ^{At what time polls to be opened and closed.} ^{4 Selden, 92.} ^{Adjournments.}

(46.) SEC. 22. When the Supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall appoint, shall be chairman of the board. ^{Chairman of Board.}

(47.) SEC. 23. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, folded, to one of the inspectors, in presence of the board. ^{How electors to vote.} ^{Const. Art. 7, Sec. 2.}

(48.) SEC. 24. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of all the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen; but no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen at the election to fill such office. ^{Ballot, what to contain.} ^{1 Doug. Mich. 59.} ^{3 Mich. Rep. 233.}

(49.) SEC. 25. If any person offering to vote shall be challenged as unqualified by any inspector, or any elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one ^{Oath to be tendered to person challenged.}

of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote :

Const. Art. 7,
Sec. 1.

1. " You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Form of oath or
affirmation.

Ibid.

2. " You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Ibid.

3. " You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Ibid.

4. " You do solemnly swear [or affirm] that you are twenty-one years of age, that you have resided in this State two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Ibid.

5. " You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a native of the United States, that you are a civilized inhabitant of Indian descent, and not a member of any tribe, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election."

And if such person so challenged will take either of the

above oaths, his vote shall be received; but if such person shall therein swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

(50.) SEC. 26. There shall be provided and kept by the township clerk in each township, at the expense of such township, and in each ward in any city, by the assessor thereof, at the expense of the city, one suitable ballot box, with lock and key, which ballot box shall have an opening through the lid, of the proper size to admit a single closed ballot, through which each ballot received shall be inserted. Ballot box to be provided.

(51.) SEC. 27. Before opening the poll, the ballot box shall be examined, that nothing may remain in it; and it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board; and the said box shall not be opened during the election, except in the manner and for the purpose hereinafter mentioned. Box to be examined, locked, etc.

(52.) SEC. 28. When a ballot shall be received, one of the inspectors, without opening the same, or permitting it to be opened, shall deposit such ballot in the box. Ballot, how deposited.

(53.) SEC. 29. Each of the clerks shall keep a poll list, which shall contain the names of all the electors voting at such election. Poll list.

(54.) SEC. 30. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes; and correct all mistakes that may be discovered, according to the decision of the board, until such poll lists shall be made in all respects to correspond. Comparing and correcting lists.

(55.) SEC. 31. The ballot [box] shall then be opened, and the poll lists placed therein, and the box shall then be locked, and a covering with a seal placed over the opening in the lid of the box, and the key delivered to one of the inspectors and the box to another, to be designated by the board. Lists, box and key; how kept, etc.

(56.) SEC. 32. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken, and the box opened, the poll lists taken out, and the box again locked. Ibid.

(57.) SEC. 33. It shall be the duty of each inspector to challenge every person offering a vote, whom he shall know or Duty of Inspectors to challenge.

To keep order. suspect not to be duly qualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes, after the poll is closed.

Penalty for disorderly conduct, and how enforced.

(58.) SEC. 34. If any person shall refuse to obey such lawful commands of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, the inspectors may, by an order in writing, commit the person so offending to the common jail of the county, for a period not exceeding twenty days, and may require such order to be executed by any Sheriff, deputy Sheriff, or constable to whom the same shall be directed; or if neither of said officers shall be present, such order may be executed by any other person deputed in writing by the inspectors to execute the same.

R. S. 1846, Ch. 5, Sec. 21.

Canvass of votes. (59.) SEC. 35. As soon as the poll of the general election shall be finally closed, the inspectors shall immediately proceed to canvass and ascertain the result of the election, unless they shall deem it necessary to adjourn such canvass to some convenient hour of the next day; if the canvass shall be adjourned, the same course shall be observed in relation to the poll lists, box and key, as is required in sections thirty-one and two of this act, to be observed upon an adjournment of the poll.

Canvass to be public.

(60.) SEC. 36. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree.

Excess of ballots, how disposed of.

(61.) SEC. 37. The box shall then be opened, and the ballots contained therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, when the number of ballots shall be found not to agree with the poll lists, as provided in the next section.

Ibid.

(62.) SEC. 38. If the ballots in the box shall be found to exceed in number the whole number of names of electors on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess.

Canvass and statement of votes.

(63.) SEC. 39. The ballots and poll lists agreeing, or being made to agree, the board shall then proceed to canvass and estimate the votes, and they shall draw up a statement of the result, and cause a duplicate thereof to be made, which state-

ment and duplicate shall be certified by the inspectors to be correct, and shall be subscribed with their names.

(64.) SEC. 40. Such statements shall set forth, in words at length, the whole number of votes given for each office, the names of the persons for which such votes for such office were given, and the number of votes so given for each person; and one of said statements shall forthwith be delivered to the township clerk, to be filed and preserved by him in his office, and the other shall be delivered to one of the inspectors who shall be appointed by the board to attend the county canvass.

What statement to contain, and how disposed of.

(65.) SEC. 41. The inspectors shall preserve a true copy of all ballots rejected as defective, with the originals attached, and deliver the same to the township clerk, to be filed in his office; and the other ballots they shall seal up and deliver to said clerk, who shall keep the same in his office until the next election, subject only to the inspection of the proper authorities, in case of a contested election.

Ballots, and copy of defective ballots, how kept.

(66.) SEC. 42. One of the poll lists shall be delivered to the township clerk, and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the ballots, and one of such poll lists and statements, shall be delivered to the city clerk, and shall be kept and preserved by him.

Poll lists to be filed, etc.

(67.) SEC. 43. The several inspectors appointed by the inspectors of election in townships and wards, to attend the county canvass, shall constitute the board of county canvassers, and shall meet on the Tuesday next following the election, before one o'clock in the afternoon, at the office of the county clerk, who shall be secretary of the board; or in his absence his deputy shall be secretary; but if such county shall be divided into two or more senatorial or representative districts, the inspectors of election, representing the townships or wards embraced in each of such districts, shall, with the county clerk or his deputy, constitute the board of district canvassers for said districts respectively, so far as the canvass relates to the election of Senators and Representatives in the State Legislature, which several canvasses shall be held immediately after the county canvass.

Who to be County canvassers, and when to meet.

(68.) SEC. 44. If either of the inspectors appointed to attend the county canvass shall be unable to attend such canvass on the day appointed, he shall, on or before that day, cause to be delivered at the office of the county clerk the original state-

Statement to be delivered to Co. Clerk in certain cases.

ment of all votes given in his township or ward, which statements said clerk shall lay before said canvassers.

When canvassers may adjourn.

(69.) SEC. 45. On the day appointed for such canvass, if a majority of the canvassers shall not attend, or if such statement of votes shall not be produced, or if there shall be any material defect in any of such statements received, the canvassers then present shall adjourn the county canvass to some convenient hour of the next day; but the inspectors from the several senatorial or representative districts, if there shall be more than one of such districts in such county, may proceed with their secretary to canvass the votes of their respective districts, as far as it can be done, before the county canvass.

When messengers to be sent for statement of votes.

(70.) SEC. 46. If all the original statements of the votes given in the several townships and wards shall not be produced on the day appointed for such canvass, or if there shall be any material defect in any of the statements received, the county clerk shall, by a special messenger or otherwise, obtain such original or corrected statements as are not produced or are defective, or certified or corrected copies thereof, in time to be delivered to the board of canvassers at their said adjourned meeting.

Board to meet on adjourned day.

(71.) SEC. 47. At the time to which such canvass was adjourned, the canvassers shall again meet; and such of them as shall be present, although less than a majority of the whole number, shall constitute the board of canvassers.

To organize and canvass votes.

(72.) SEC. 48. The canvassers shall choose one of their number chairman; and said board shall then proceed to examine the original statements certified by the several boards of inspectors of election, or certified or corrected copies thereof, and ascertain the number of votes given in the county for the respective State, county and district officers, when such district shall exceed the limits of such county, and make statements thereof, as the nature of the election may require; after which the several senatorial and representative district boards of canvassers shall proceed to canvass their respective districts, if such county shall be divided for representative purposes.

15 Ill. Rep. 492.

Separate statement of votes for certain offices.

(73.) SEC. 49. They shall make a separate statement, containing the whole number of votes given in such county for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education, the names

of the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for Electors of President and Vice President of the United States, each year in which such Electors are to be chosen; another similar statement of the votes given for Representative in Congress; another of votes given for Senator, when the county alone does not constitute a senatorial district; another of the votes given for Representative in the State Legislature, when the county alone does not constitute a representative district; another of the votes given for Senator or Representative, when the county alone constitutes but one senatorial or representative district; and another of the votes given for county officers.

(74.) SEC. 50. The several senatorial and representative district canvassers shall, where a county is divided for such purposes, also make a statement of the whole number of votes given in each respective district for the office of Senator or Representative, or both, as the case may be, which several statements shall set forth the number of each of such districts, the number of votes given to each of the persons voted for in each of such districts, respectively.

Separate statement of votes for certain offices.

(75.) SEC. 51. In each of said statements, the whole number of votes given, the names of the candidates, and the number of votes given to each, shall be written out in words at length; and each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the respective boards, and a copy of each, thus certified and attested, shall be delivered to the county clerk, and recorded by him in a suitable book, to be provided by him for that purpose, at the expense of the county, and kept in his office.

What statement to contain.

(76.) SEC. 52. The county and district boards shall then determine the persons who have been, by the greatest number of votes, elected to the county offices, and members of the Legislature, when the county alone constitutes one or more senatorial or representative districts, and such determinations shall be certified and attested by the chairman and secretary of the respective boards, and be annexed to the statement of votes given for such officers respectively, and shall be recorded with such statements by the county clerk in his office: *Provided*, (b) That in elections for members of the Legislature, or

Statement to be recorded, etc.

Determination by Board of persons elected.

(b) This proviso is from the Act of April 2, 1849, which is retained, (Sec. 132) for the reason that an important omission occurs here—the words, “and that a failure to elect to any office is caused

Proceedings
when two or more
persons have
equal number of
votes.

county officers, if it shall appear on the legal canvass of the votes polled at such election, that two or more persons have received an equal number of votes for the same office, such persons shall proceed to draw lots for the election to said office in the following manner: the board of canvassers for the county or district in which such election was held, shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested; the officer before whom such drawing is to take place, shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible; said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "elected," shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election; if the drawings under the provisions of this section are for the office of Senator or Representative in the State Legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held: in all other cases, before the county clerk of the county where each case shall arise: *Provided, further,* That in cases where the office of county clerk is in question, the drawing shall take place before the Sheriff of the county.

Duplicate state-
ment of votes for
Senator, etc.

(77.) SEC. 53. The said board shall, without delay, make a duplicate statement of the votes given for Senator, when the county alone does not constitute a senatorial district, and deliver the same to the clerk of the county, to be delivered by him to the senatorial district canvassers; said board shall also make a duplicate statement of votes given for Representative in the State Legislature, when the county alone does not constitute a representative district, and deliver the same to

thereby," being left out from their appropriate place after the word "office," in the fourth line of the proviso.

the said clerk, to be by him delivered to the representative district canvassers.

(78.) SEC. 54. The county clerk shall prepare and certify under his hand and seal of office, three copies of the statement of votes given for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education; also three copies of the statement of votes given for Representative in Congress; also three copies of the statement of votes given for Electors of President and Vice President of the United States, after he shall have received such statement from the board of county canvassers; each of which statements he shall seal up in an envelope, and direct one of each to the Governor, one of each to the Secretary of State, and one of each to the State Treasurer, and transmit the same by mail, within five days after the county canvass, when a general election has been held, and within three days after the county canvass when a special election has been held.

County Clerk to transmit copy of statement to Governor, Secretary of State and State Treasurer.

(79.) SEC. 55. He shall also prepare as many certified copies of each certificate of the determination of the board of county canvassers, as well as of the several district canvassers, if such county shall be divided for representative purposes, as there are persons declared in such certificates to be elected, and shall, without delay, deliver one of such copies to each person so declared to be elected.

Certificate of determination to be delivered to persons elected.

(80.) SEC. 56. Such clerk shall, within thirty days of a general election, transmit to the Secretary of State, a list of the members of the Legislature elected in the county, designating both the Senators and Representatives by their respective districts, and also a list of all the county officers elected in such county at such election.

Clerk to transmit list of Representatives and County officers to Secretary of State.

(81.) SEC. 57. Whenever any amendment shall have been proposed to the Constitution, and agreed to and submitted to the people, pursuant to the provisions of the Constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such amendment shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State and State Treasurer, at the same time and in the same manner as the votes for State officers are by law

Votes for and against amendment to Constitution—how taken and canvassed.

Const. Art. 20.

required to be taken and canvassed, and statements thereof to be certified, recorded and transmitted.

Of Banking Law,
or amendments
thereto.

(82.) SEC. 58. Whenever any banking law for banking purposes, or amendments thereof, shall have been passed by the Legislature, approved by the Governor, and submitted to the

Const. Art. 15,
Sec. 2.

people, pursuant to the provisions of the Constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such banking law, or amendment thereof, shall be taken, canvassed, certified and recorded, and certified copies of the statements thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State and State Treasurer, at the same time and in the same manner as the votes for State officers are by law required to be taken and canvassed, and statements thereof to be certified, recorded and transmitted.

District canvassers.

(83.) SEC. 59. In each election district for the election of a Senator or Representative in the State Legislature, the limits of which shall be greater than those of a county, there shall be a board of district canvassers, and the clerks of the several counties within the district, the Judge of Probate, and the Sheriff of the county in which the meetings of the board are to be held, shall constitute such board. •

Quorum of Board.

(84.) SEC. 60. Any three of said canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the Register of Deeds or the County Treasurer of the county where any such meeting is appointed to be held, or both of them, may act as members of such board; and, with the other members in attendance, shall constitute a board of not less than three in number.

Times and places
of meeting.

(85.) SEC. 61. The board shall meet in the district for the election of a Representative in the State Legislature, on the Tuesday next after the day on which the county canvass is appointed to be made, and in districts for the election of Senators, on the third Tuesday after the county canvass, at the office of the clerk of the county in such district having the greatest number of inhabitants, according to the last preceding census, unless otherwise provided by law.

Original statements
to be laid
before Board.

(86.) SEC. 62. If either of the county clerks shall be unable to attend such canvass on the day appointed therefor, he shall, on or before that day, cause to be delivered at the office of the clerk of the county in which such meeting is to be held,

the original statement of votes given in his county for the officer to be elected in such district, which statement shall be laid before said board.

(87.) SEC. 63. The canvassers shall then proceed to examine the statement of the votes given in the several counties in the district, and ascertain and determine what persons have been elected, and to what offices, and shall draw up a statement thereof in words at length, which statement shall contain the whole number of votes given in the district for each office, and the names of the persons to whom such votes were given; and such statement shall be certified to be correct, and to be subscribed by the said canvassers, or a majority of them.

Proceeding of canvassers.

(88.) SEC. 64. The canvassers shall then determine the persons elected to the several offices within the district, as shall appear by such statement, and shall certify such determination under their hands, and annex the same to their said statement, and deliver the same to the clerk of the county in which their meeting shall be held, who shall file the same in his office; and said board shall cause a copy of such statement and certificate to be forthwith published in some newspaper printed in the district.

Board to determine persons elected, and deliver certificate to County Clerk.

(89.) SEC. 65. The county clerk, by whom the said statement and certificate thereto annexed shall be filed, shall, without delay, transmit by mail to the Secretary of State, a copy of such statement and certificate of determination, certified by him under his hand and seal of office, and he shall also, without delay, prepare and certify as many copies of such certificate of determination as there are persons stated therein to have been elected, and cause one of said copies to be delivered to each person so determined to be elected.

Duty of County Clerk in relation to statement.

(90.) SEC. 66. The Secretary of State, the State Treasurer and the Commissioner of the State Land Office shall constitute the board of State canvassers, any two of whom shall be a quorum for the transaction of business; and if only one of said officers shall attend on the day appointed for a meeting of the board, the Auditor General, on being notified by the officer so attending, shall, without delay, attend with such officer, and with him shall form the board.

State canvassers.

Const. Art. 8, Sec. 4.

(91.) SEC. 67. The Secretary of State, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall record the same in a suitable book to be kept by

Secretary of State to record statements.

him for that purpose; (c) and if from any county clerk no such statement shall have been received by the Secretary of State, on or before the second Monday of December next after a general election, and on or before the thirtieth day after a special election, he shall call upon the Governor and State Treasurer, and receive from them, or either of them, the statement from such county [clerk], if the Governor or State Treasurer shall have received such statement.

When to call on
Governor and
State Treasurer
for statement.

(92.) SEC. 68. If, from any county clerk, no such statement shall have been received by the Secretary of State, the Governor nor the State Treasurer, within the times limited, the Secretary of State shall forthwith send a special messenger to obtain such statements and certificates from such county clerk; and such clerk shall immediately, on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required.

When to call on
County Clerk for
statement.

Secretary to
appoint meeting
of Board, etc.

(93.) SEC. 69. For the purpose of canvassing and ascertaining the result of elections, other than for Electors of President and Vice President, the Secretary of State shall appoint a meeting of the State canvassers to be held at his office, on or before the fifteenth day of December next after a general election, and within forty days after a special election, and shall notify the other members of the board of the same.

Duty of Board of
State canvassers.

(94.) SEC. 70. The said board of canvassers, when formed as aforesaid, shall examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education, which statement shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each of such persons.

Ibid.

(95.) SEC. 71. The said board shall also proceed to examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the office of Representative in Congress in each Congressional district; which statement shall show the names of the persons to whom such votes shall

have been given for said office, and the whole number of votes given to each person in each respective district.

(96.) SEC. 72. The said canvassers shall certify each statement made by them to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to each respective office, and make and subscribe on each statement a certificate of such determination, and deliver the same to the Secretary of State.

Duty of Board of State canvassers.

(97.) SEC. 73. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, so made and delivered to him by the board of State canvassers; and shall, without delay, make out and cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination, certified by him under his seal of office.

Secretary of State to record certificate of determination and deliver copy to persons elected.

(98.) SEC. 74. For the purpose of canvassing and ascertaining the votes given for electors of President and Vice President of the United States, the board of State canvassers shall meet on the Wednesday next after the third Monday of November, or on such other day before that time as the Secretary of State shall appoint; and the powers, duties and proceedings of said board, and of the Secretary of State, in sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of such electors, shall be in all respects, as near as may be, as hereinbefore provided in relation to sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of State officers.

Votes for electors of President, etc.; when and how canvassed.

(99.) SEC. 75. The Secretary of State shall, without delay, cause a copy of the certified determination of the board of State canvassers, declaring the persons elected as such electors, to be transmitted and delivered by special message or otherwise, to each of the persons so declared to be elected, which copies shall be certified under his hand and seal of office.

Copy of certificate of determination to be delivered to persons elected.

(100.) SEC. 76. For the purpose of canvassing and ascertaining the result of the vote taken at a general election, upon any proposed amendment to the Constitution, or approval of any banking law, or amendment thereof, the Secretary of State shall appoint a meeting of the State board of State canvassers, to be held at his office, on or before the twentieth day of December next after such election; at which meeting the said Secretary shall lay before the board the statements received

Canvass of votes on amendment to Constitution and Banking Law.

by him of the votes given in the several counties for and against such amendment to the Constitution, or for and against the approval of such banking law, or amendment thereof, as the case may be.

Board to ascertain and determine the result.

(101.) SEC. 77. The board shall then proceed to examine such statements, and to ascertain and determine the result, and shall make and certify under their hands, a statement of the whole number of votes given for, and the whole number of votes given against, such amendment of the Constitution, or for or against the approval of such banking law, or amendment thereof, as the case may be; and they shall thereupon determine whether such amendment to the Constitution, or such banking law, or amendment thereof, as the case may be, has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination, and deliver the same to the Secretary of State.

Determination to be recorded by Secretary of State, and published with Laws.

(102.) SEC. 78. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, such certified statement and determination; and if it shall appear that such amendment to the Constitution, or such banking law, or amendment thereof, has been approved and ratified, as aforesaid, he shall also record such determination in the book in which the original act of the Legislature is recorded, and shall cause any amendment to the Constitution to be published with the laws enacted by the Legislature at the next succeeding session thereof.

Publication of determination of State canvassers.

(103.) SEC. 79. The Secretary of State shall cause a copy of such determination and certificate of election to be published for two successive weeks in a newspaper published at the Seat of Government, immediately after receiving the same from the board of State canvassers.

Adjournment of State canvassers.

(104.) SEC. 80. The said board of State canvassers shall have power to adjourn from day to day, for a term not exceeding five days.

Election of members of Board of Education.

(105.) SEC. 81. At the general election to be held in the year eighteen hundred and fifty-two, there shall be elected three members of the State Board of Education; one for two years, one for four years, and one for six years; and at each succeeding general election, there shall be elected one member of said board, who shall hold his office for six years, and until his successor is elected and qualified; and the ballots for the members of the State Board of Education shall designate which

of the persons so balloted for, for member of said board, is to hold the office for two years, which for four years, and which for six years; and the person receiving the greatest number of votes for the term so designated, shall be by the State canvassers declared to be elected for such term.

(106.) SEC. 82. A Representative in the Congress of the United States shall be chosen in each of the congressional districts into which the State is or shall be divided, at each general election; and if a Representative in Congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur, by death or otherwise, in the office of Representative in Congress, the clerk of the county in which such Representative shall have resided at the time of his election, shall, without delay, transmit a notice of such vacancy to the Secretary of State.

(107.) SEC. 83. At the general election next preceding the choice of President and Vice President of the United States, there shall be elected by general ticket as many Electors of President and Vice President as this State may be entitled to elect of Senators and Representatives in Congress.

(108.) SEC. 84. The Electors of President and Vice President shall convene at the Capitol of the State on the first Wednesday of December; and if there shall be any vacancy in the office of an Elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of that day, or on account of any two of such Electors having received an equal and the same number of votes, the Electors present shall proceed to fill such vacancy by ballot and plurality of votes; and when all the Electors shall appear, or vacancies shall be filled, as above provided, they shall proceed to perform the duties of such Electors, as required by the Constitution and laws of the United States.

(109.) SEC. 85. The Secretary of State shall prepare three lists of the names of the Electors, procure thereto the signature of the Governor, affix the seal of the State to the same, and deliver such certificates, thus signed and sealed, to one of the Electors, on or before the said first Wednesday of December.

(110.) SEC. 86. *On the first Tuesday after the second Monday of January next, before the expiration of the time for which any Senator was elected to represent this State in the Congress of the United States, if the Legislature shall be then in session, and if*

not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the Legislature, an election shall be held for a Senator in Congress, at the place where the Legislature shall be then sitting; which election may be continued from day to day until such Senator shall be elected. (d)

Vacancy; how filled.

(111.) SEC. 87. Whenever the seat of any such Senator shall become vacant before the expiration of the term for which he was elected, another Senator shall be elected to fill his place within ten days after the Legislature shall have notice of such vacancy, at the place where it shall be then sitting.

Manner of conducting election.

(112.) SEC. 88. Such election shall be made in the following manner: the Senate and House of Representatives shall each openly nominate one person for the office of Senator in Congress; after which they shall immediately meet in joint convention in the Hall of the House of Representatives, and if they shall agree in their nomination, the person so nominated shall be deemed elected; if they shall disagree, the election shall be made by a joint vote of the Senators and members of the House of Representatives, and a majority of the votes given in such joint convention shall be necessary to an election.

Evidence of election.

(113.) SEC. 89. Whenever any Senator shall be chosen as aforesaid, a copy of the resolutions of the Senate and House of Representatives, certifying such choice, signed by the President of the Senate and Speaker of the House of Representatives, shall be delivered to the Secretary of State and recorded by him; and he shall forthwith make out a certificate, under the seal of the State, and attested by him as Secretary, certifying such choice, and deliver the same to the person so chosen Senator, by mail or otherwise.

Unorganized counties.

(114.) SEC. 90. Unorganized counties, with other parts of the State which may be attached to any organized county for judicial purposes, unless otherwise provided, shall be considered as a part of such organized county for all purposes concerning the election of officers who may be elected at a general or special election.

Oath of Inspectors and Clerks of elections.

(115.) SEC. 91. The oath directed in this act to be taken by persons chosen to be inspectors, or appointed clerks of elections, shall be in the form prescribed in the first section of the eighteenth article of the revised Constitution of this State.

Compensation to certain officers.

(116.) SEC. 92. Each county canvasser, Sheriff and county clerk, shall receive such reasonable compensation for their

(d) See Sections 129 and 130, by the latter of which a repeal of this section was designed.

services while employed in the business of elections for county officers as shall be allowed by the board of supervisors or county auditors, to be paid by the county.

(117.) SEC. 93. Each district canvasser, county clerk, or other person employed in canvassing and returning the result of the elections required by law to be certified by district canvassers, to the board of State canvassers, shall receive such compensation as the board of State auditors shall deem reasonable, and be paid out of the State Treasury. Compensation to certain officers.

(118.) SEC. 94. During the day on which any election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election. No civil process to be served on electors on day of election.

(119.) SEC. 95. The person holding any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when any person shall be elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified. 1 Edwards, 323.
20 Wendell, 681.
Term of office.
Term, when elected to fill vacancy.

An Act to Provide for the Election of Circuit Judges and Regents of the University.

[Approved March 10, 1851. Laws of 1851, p. 20.]

(120.) SECTION 1. *The People of the State of Michigan enact,* That an election shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter, in each of the judicial circuits into which, under the revised Constitution and schedule thereto, and laws, the State is divided, by the electors thereof, of one Circuit Judge and one Regent of the University, who shall hold their offices respectively for the term of six years, and until their successors are elected and qualified. When Circuit Judge and Regent to be elected and or what term.

(121.) SEC. 2. The inspectors of elections in the several townships and wards in cities throughout the State, are hereby required to prepare a ballot box to receive all ballots that may be offered at such election for Circuit Judge and Regent of the University, both of which officers shall be voted for on one ballot. Duties of Inspectors of election.

(122.) SEC. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the Sheriff of each county included within the several judicial circuits of this State a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be Secretary of State to give notice to Sheriffs.

published in such newspapers within the several judicial circuits as he may deem proper, once in each week from the date of the notice till the election aforesaid.

Sheriffs to notify
Township Clerks,
etc.

(123.) SEC. 4. The Sheriffs of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city, of such election; and it shall be the duty of the township clerks and inspectors of election receiving said notice to give eight days' notice, except for the election in eighteen hundred and fifty-one, in writing, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward.

Township Clerks
to give notice.

Election, canvass,
etc., to be
same as general
election.

(124.) SEC. 5. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election; and the inspectors of elections shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election.

County canvass,
when held.

(125.) SEC. 6. The county canvass for the several Circuit Judges and Regents of the University, shall be on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner, and returns shall be made in the same manner and within the same time as is provided by existing laws for the canvass of Representatives to Congress; but the county clerks of the several counties shall transmit one of the certified copies of the statement of votes to the State Treasurer, instead of the Auditor General.

Statement,
where returned.

Board of State
canvassers.

(126.) SEC. 7. The Secretary of State, State Treasurer and Commissioner of the State Land Office, shall constitute the board of State canvassers, and they are hereby authorized and required to proceed in the canvass and determination of the election of the several Circuit Judges and Regents of the University, in the same manner and within similar periods of time, as near as may be, as is provided by law for the canvass of the election of Representatives to Congress, and shall transmit similar notices to the persons declared to be elected to the offices of Circuit Judge and Regent of the University in the several Judicial districts: *Provide*, That the board of State canvassers shall not determine the result of the election for a Regent of the University in the county of Wayne, until

Const. Art. 8,
Sec. 4.

Their Duty.

after the receipt of the several statements of votes given for a Regent of the University in the Upper Peninsula; provided such statement shall be received before the third Tuesday of November next ensuing, when said board shall proceed to canvass and determine the election of such Regent, as in other cases.

(127.) SEC. 8. The officers elected under the provisions of this act, shall enter upon the discharge of their respective duties on the first day of January succeeding their election.

(128.) SEC. 9. If any person offering to vote shall be challenged as unqualified, by any inspector or any elector qualified to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him such of the following oaths as he may claim to contain the grounds of his qualifications to vote:

1st. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months, and in this township (or ward as the case may be) ten days next preceding this election, and that you have not voted at this election;" or

2d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this State three months, and in this township (or ward as the case may be) ten days next preceding this election, and that you have not voted at this election;" or

3d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the first day of January, one thousand eight hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months, and in this township (or ward as the case may be) ten days next preceding this election, and that you have not voted at this election;" or

4th. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you have resided in this State two years and six months next preceding this election, that you have

Proviso as to
county of Wayne.

Commencement
of term.

Oath to be ten-
dered to person
challenged.

Form of oath or
affirmation.

ibid.

ibid.

ibid.

declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this township (or ward as the case may be) ten days next preceding this election, and that you have not voted at this election;" or

Form of oath or affirmation.

5th. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this State three months, and in this township (or ward as the case may be) ten days next preceding this election, and that you have not voted at this election."

If oath taken, vote to be received. Penalty for swearing falsely.

If such person so challenged will take either of the above oaths, his vote shall be received; but, if such person shall therein swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

SEC. 10. This act shall take effect immediately.

An Act to Amend the Sixth Section of Chapter Eleven, Title Two, of Revised Statutes of 1846.

[Approved Jan. 29, 1853. Laws of 1853, p. 24.]

SECTION 1. *The People of the State of Michigan enact*, That section six of chapter eleven, title two of the Revised Statutes of eighteen hundred and forty-six, be amended so as to read as follows, viz.:

Senator in Congress, when to be elected.

(129.) "SEC. 5. Within ten days after a quorum of both houses of the Legislature shall be assembled, at their session immediately preceding the expiration of the time for which any Senator was elected to represent this State in Congress, an election shall be held for a Senator in Congress; which election may be continued from day to day until such Senator be elected."

Sec. repealed, 1851, p. 301.

(130.) SEC. 2. The eighty-sixth section of an act entitled, "An act to provide for holding general and special elections," approved June twenty-seven, eighteen hundred and fifty-one, be and the same is hereby repealed.

Ante Sec. 110.

An Act to Amend Section Two of Chapter Nine of the Revised Statutes of eighteen hundred and forty-six.

[Approved January 29, 1853. Took effect May 16, 1853. Laws of 1853, p. 16.]

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter nine of the Revised Statutes of eighteen hundred and forty-six, be amended so as to read as follows:

(131.) SEC. 2. The Secretary of State, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall make a record of the aggregate number of votes given for each person in the several counties, in a suitable book to be kept by him for that purpose, and shall place on file and preserve such certified copies in his office. (e)

An Act Relative to Elections.

[Approved April 2, 1849. Laws of 1849, p. 355.]

(132.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever in elections of members of the State Legislature, or county officers, it shall appear, on the legal canvass of the votes, that two or more persons have received an equal number of votes, and that a failure to elect to any office is caused thereby, such persons shall draw lots for election to such office in the manner following: the proper board of canvassers in each case shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons. The officer before whom said drawing is to take place shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many of said slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that all may appear as nearly alike as possible; said slips shall all be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box, and any such person drawing a slip in which is written the word "elected" shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election.

(133.) SEC. 2. Drawing of lots, under the provisions of the preceding section, shall take place before the following officers: for the office of State Senator, before the county clerk of the county where the senatorial canvass is held; for the office of

(e) See Section 91. The section amended by this act is regarded as superseded by the act of June 27, 1851, which comprehends the whole subject of General and Special Elections.

Representative in the Legislature, and for any county office, before the county clerk of the county where each case shall arise: *Provided*, That in cases where the office of county clerk is in question, the drawing shall take place before the Sheriff of the county.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to Provide for Holding General Elections in the Upper Peninsula.

[Approved April 7, 1851. Took effect July 8, 1851. Laws of 1851, p. 156.]

General election.

(134.) SECTION 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen of the revised Constitution, and such other territory as may be attached thereto for election purposes, on the last Tuesday of September, A. D. 1852, and on the last Tuesday of September every two years thereafter; at which time shall be elected one Senator and three Representatives in the State Legislature, and such county officers as are authorized by law to be elected in the several counties of this State, *except Prosecuting Attorneys*; (f) which election shall be notified, conducted, canvassed, certified, determined and recorded, in all respects, as near as may be, according to the provisions of law relative to holding general elections, except as to the time above mentioned, and as is hereinafter provided. (g)

Officers to be elected.

County and District canvass.

(135.) SEC. 2. The county canvass shall be held on the first Tuesday in October next after such election, and the district canvass shall be held on the last Tuesday of said October, at such places as shall be designated by law.

An Act to Provide for the Election of a District Judge, District Attorney, and Regent of the University in the Upper Peninsula. (h)

[Took effect July 8, 1855. Laws of 1851, pp. 157, 213.]

When election of District Judge, District Attorney to be held.

(136.) SECTION 1. *The People of the State of Michigan enact*, That an election shall be held in the several townships and wards of that portion of the State denominated the Upper Peninsula,

(f) See Section 137.

(g) As amended by "An act to amend an act entitled 'an act to provide for holding General Elections in the Upper Peninsula, approved April 7, 1851.'" Laws of 1851, p. 313.

(h) Being Act 121 of 1851, p. 157, as amended by Act 180 of 1851, p. 312.

as described in section one, article nineteen of the Revised Constitution, on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every sixth year thereafter, at which there shall be elected one District Judge for such district, and *one Regent of the University*, (i) in conjunction with the county of Wayne, and one District Attorney for said district, who shall be elected on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter; which elections shall be notified, conducted, canvassed, certified, recorded, and the result thereof transmitted, in all respects, as near as may be, in conformity with the provisions of an act entitled "An act to provide for the election of Circuit Judges and Regents of the University," approved March tenth, eighteen hundred and fifty-one.

When Election of Regent held, and how conducted.

An Act to Abolish the Office of District Attorney for the Upper Peninsula, and Provide for the Election of Prosecuting Attorneys of the several Counties therein.

[Approved Feb. 3, 1857. Laws of 1857, p. 42.]

(137.) SECTION 1. *The People of the State of Michigan enact*, At the election to be held in said Upper Peninsula on the last Tuesday of September, in the year eighteen hundred and fifty-seven, and every two years thereafter, a Prosecuting Attorney for each organized county of said Upper Peninsula shall be elected by the electors thereof, whose term of office shall commence on the first day of January next succeeding his election; and said Prosecuting Attorney shall have all the rights, powers and duties of Prosecuting Attorneys under the general laws of this State.

Prosecuting Attorneys to be elected in Upper Peninsula; When elected.

Term of office.

Powers and duties.

(138.) SEC. 2. The election for said Prosecuting Attorney shall be notified, conducted, canvassed, certified and recorded, and the result thereof notified and transmitted in all respects, as near as may be, in conformity with the provisions of the Statutes of this State, applicable to the election of county officers, except that the county canvass shall be on the second Tuesday next following the election; and any and each of the Prosecuting Attorneys elected as aforesaid, shall be subject to all provisions of law relative to Prosecuting Attorneys in this State.

Manner of conducting elections.

Canvass, etc.

Prosecuting Attorney to be subject to general laws.

(i) See Section 6, Art. 13 of the Constitution, and Section 25 of Schedule to the Constitution.

Office of District
Attorney con-
tinued.

(139.) SEC. 3. The office of District Attorney for the Upper Peninsula shall remain, and nothing contained in this act shall impair the duties of the office. (j)

TITLE IV.

OF CERTAIN STATE OFFICERS; OF COUNTIES AND COUNTY OFFICERS; AND OF RESIGNATIONS, VACANCIES AND REMOVALS FROM OFFICE.

CHAPTER VII. Of certain State Officers and their duties.

CHAPTER VIII. Of Commissioners of Deeds in other States.

CHAPTER IX. Of Counties.

CHAPTER X. Of County Officers and their duties.

CHAPTER XI. Of Resignations, Vacancies and Removals, and of supplying vacancies.

CHAPTER VII.

OF CERTAIN STATE OFFICERS AND THEIR DUTIES.

THE GOVERNOR.		SECTION
SECTION		
140. Governor's Salary.		147. Confirmation of locations to be recorded by Secretary of State.
141. When Governor's salary to be received by Lieutenant Governor.		148. Acts granting lands to State to be recorded.
142. Private Secretary of the Governor.		149. Other evidences of title in the State to be recorded.
THE SECRETARY OF STATE.		150. Secretary of State to cause plats to be made.
143. Secretary of State to have custody of great seal, etc.		151. New locations of State lands to be recorded and platted.
144. Deputy Secretary, his powers, duties and compensation.		152. Approval of selections of lands for the State, to be recorded by Secretary of State.
145. Salary of Secretary.		153. Record made evidence.
146. Deeds to the State to be recorded in counties where lands lie, and in office of Secretary of State.		THE STATE TREASURER.
		154. State Treasurer to give bond.

(j) A discrepancy will be noticed between this section and the first clause of the title to the act.

SECTION

155. Condition of bond.
156. Deputy Treasurer, his powers, duties and compensation.
- 157, 158, 159. Proceedings on death, etc., of Treasurer.
160. Treasurer to exhibit accounts to Auditor General.
161. Statement to be made to Legislature and published with laws.
162. Where to keep office; His salary.
163. Fiscal year.
164. State Treasurer may change stocks pledged by Banks.
165. How stocks hereafter pledged to be received.
166. Peninsular Bank Act amended.
167. Plates and notes to be kept by Treasurer.
168. Exchange and transfer of stocks pledged by Banks; Stocks may be given up on cancellation of bills, etc.; But sufficient shall always be retained to secure notes in circulation.

THE AUDITOR GENERAL.

169. Auditor General to state accounts, etc.
170. To settle claims and draw warrants on Treasurer.
171. Moneys not to be paid out of Treasury except on Auditor's warrant; Receipts to be countersigned, etc.
172. Accounts between Treasurer and State.
173. Auditor to examine Treasurer's accounts, and report irregularity, etc.
174. Statement of the funds and revenue of the State, etc.
175. To transmit collection laws.
176. Instructions to certain officers.
177. Where to keep his office; His salary.
178. Deputy Auditor General, his powers and compensation.
179. Clerks of Auditor General.

THE ATTORNEY GENERAL.

- 180, 181. Duties of Attorney General.
182. To advise Prosecuting Attorneys, and make report to Legislature.
183. Abstract of reports of Prosecuting Attorneys.
184. To give opinion when required by Governor, etc.; To notify neglect of Prosecuting Attorneys.
185. To pay over moneys.
186. To keep register of demands, etc., and deliver the same to successor.
187. Compensation.

THE ADJUTANT GENERAL.

188. Adjutant General; how appointed, his rank and term of office.
189. Oath of office and compensation.
190. To make return of Militia to Governor annually.
191. Other duties.

THE STATE LIBRARY AND STATE LIBRARIAN.

SECTION

192. State Library where kept, and who to have access to.
193. State Librarian to be appointed; His term and salary; Report.
194. Catalogue of Library.
195. Bond of Librarian.
196. Books to be returned by Members of Legislature, etc., before they receive their pay.
197. Prosecution for detention of books.
198. Act to be published.
199. Repeal of inconsistent Laws.
200. Library room.
201. State Librarian to keep Meteorological tables.
202. Superintendent of Public Instruction to deposit books, etc., in State Library.
203. Librarian to act as Assistant Superintendent.
204. Copies of U. S. Laws to be procured and deposited in State Library.

THE BOARD OF STATE AUDITORS.

205. Board of State Auditors; their powers and duties; Mode of proceeding; oaths of witnesses.
206. When annual settlement of accounts to be made.
207. Settlement with State officers.
208. When party entitled to warrant for payment of claim; Proceedings when party is indebted to State.
209. Report of State Auditors.
210. Attorney General to represent State before the Board.
211. State Auditors to fix time for hearing claims, etc.
212. May issue subpoenas.
213. Costs may be awarded by Board.
214. Appropriation to pay warrants.
215. State Auditors to audit claims for supplies for State officers, and for care, etc., of State property; Plans and drawings for State Capitol.
216. Auditor General to charge accounts and draw warrants.
217. Secretary of State to advertise for proposals for Printing, etc.
218. Specifications.
219. Printing and binding.
220. State Auditors to examine proposals and let contracts.
221. Demands against State; how audited and paid.
222. Duties of Attorney General in case of non-fulfilment of contract.

THE STATE BOARD OF EQUALIZATION.

223. Who to compose State Board of Equalization; Their duty.
224. When to meet at Capitol; Who to act as Secretary.

SECTION

- 225. Oath of office.
- 226. Board to examine tabular statements of Boards of Supervisors; Assessments relatively unequal, how equalized.
- 227. Duty of Auditor General, and County Treasurer.
- 228. Board of Supervisors to equalize assessments.
- 229. Board may hear evidence.
- 230. Clerk of Board of Supervisors to make out tabular statement for Auditor General.
- 231. Three to constitute a quorum; Compensation of Lieutenant Governor.

STATE INDEBTEDNESS AND STATE FUND COMMISSIONERS.

- 232. Treasurer to cancel and destroy Treasury notes.
- 233. Gold, silver, Treasury notes, or bills of specie paying banks alone receivable for State dues.
- 234. Officers and agents to pay over same funds they receive; Penalty for violation of act.
- 235. Interest on State stocks or bonds may be paid at State Treasury.
- 236. Governor authorized to issue bonds for interest in certain cases.
- 237. For payment of interest net proceeds of all public works pledged, with exceptions.
- 238. Bonds receivable in payment for the public lands, with exceptions.
- 239. Deficiency in payments of interest to be made up by taxation.
- 240. Proceedings by Auditor General on ascertaining deficiency.
- 241. When bonds held or hypothecated by U. S. Bank shall be returned, Governor authorized to issue new bonds for the amount of money the State has received; The bonds thus issued placed on same footing as bonds to be issued under first section of this act.
- 242. How State indebtedness called in when holder is unknown.
- 243. How interest computed thereon.
- 244. State Treasurer to pay up and cancel certain coupons on full paid bonds.
- 245. To reimburse general fund for such payments; deficiency how estimated.
- 246. Bonds to be issued on surrender of Internal Improvement Warrants.
- 247. Denomination of bonds—when payable.
- 248. When State Treasurer to give notice for redemption of bonds.
- 249. Warrants to be cancelled.
- 250. Bonds receivable in payment for State lands.
- 251. Treasurer to pay up and cancel coupons for interest.
- 252. Duties of Auditor General in providing for payments of interest.
- 253. When bonds to be issued for part paid five million loan bonds.

SECTION

- 254. Denomination of bonds; when payable, etc.
- 255. Cancellation of old bonds.
- 256. Form and requisites of bonds.
- 257. Holders of said bonds to be entitled to claim of State on U. S. Bank and Morris Canal Banking Co.
- 258. Certain sections amended.
- 259. Who to constitute Board of Fund Commissioners.
- 260. When surplus in Treasury, Board shall invest the same in State liabilities.
- 261. Board shall advertise before purchasing, and shall not purchase at more than par value.
- 262. Accounts of Treasurer with respect to such purchases.
- 263. Record of Board and report of proceedings.
- 264. Payment of interest on new bonds.
- 265. How interest computed on warrants called in.
- 266, 267, 269. Holders of certain bonds entitled to certificates.
- 268. Bonds receivable at the Treasury.
- 270. Certificates; how issued and registered.
- 271. Certificates of stocks and bonds; when redeemed; when interest to cease.
- 272. Treasurer to purchase State bonds.
- 273. Holders of certain bonds to present them in six months; If not presented, interest to cease; Notice to be given by State Treasurer.
- 274. State Treasurer to require security of banks, before depositing with them; Interest on deposits.
- 275. Liability of Treasurer, and bail not to be affected.
- 276. Acts repealed.

OF THE CHARGE AND DISPOSITION OF CERTAIN STATE ASSETS.

- 277. Auditor General, State Treasurer and Secretary of State Trustees of certain assets.
- 278. Power to extend time for payment, to lease, sell or convey.
- 279. Sums collected to go into State Treasury.
- 280. Same Trustees to take charge and dispose of escheated property.

OFFICIAL BONDS AND OATHS OF STATE OFFICERS.

- 281. Certain officers to file oath of office, etc., with Secretary of State.
- 282. Who may administer oaths.
- 283. Penalty for neglect.
- 284. No penalty incurred if notice given of non-acceptance of office.
- 285. Certificate of filing certain oaths and bonds to be filed with Secretary of State.
- 286. Where bond to be filed when no other provision is made.
- 287. Time for filing oath and bond.

REPORTS OF STATE OFFICERS.	SECTION
SECTION	292. Duty of State Printer.
288. Annual reports to be printed.	293. Duty of Secretary of Senate and Clerk of the House.
289. Proof sheets by whom to be examined and corrected.	294, 295. Reports of State officers; to whom to be made; How printed and distributed.
290. Number of copies of reports.	
291. Additional copies of reports, etc., to be printed for binding.	

From Chapter Twelve of Revised Statutes of 1846.

THE GOVERNOR.

(140.) SECTION 1. The Governor shall receive an annual salary of one thousand *five hundred* (a) dollars, to be paid quarter yearly, and shall not be entitled to any fees or perquisites of office in addition to his salary. Governor's salary.

(141.) SEC. 2. Whenever by the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, the salary of the Governor shall cease, and the same shall be received by the Lieutenant Governor, as a full compensation for his services until such disability shall cease, or the vacancy be filled. When Governor's salary to be received by Lieut. Governor.

(142.) SEC. 3. The Governor may, at the commencement of each session of the Legislature, appoint a Private Secretary, who shall hold his office during the session, unless sooner removed by the Governor, and shall receive for such services the sum of three dollars per day for the time employed, unless the Legislature shall otherwise direct; such sum to be paid on the joint order of the President of the Senate and Speaker of the House of Representatives, by the State Treasurer. (b) Const. Art. 5, Sec. 17.

THE SECRETARY OF STATE

(143.) SEC. 4. The Secretary of State shall have the custody of the great seal of the State, and copies of all records and papers in his office, certified by him, and authenticated by the great seal of the State, shall be evidence in all cases equally, and with the like effect, as the originals. Secretary of State to have custody of great seal, etc.

(144.) SEC. 5. The Secretary of State may appoint a deputy, with the approbation of the Governor, and revoke such appointment at pleasure; and whenever the Secretary of State Deputy Secretary, his powers, duties and compensation.

(a) The salary of the Governor is reduced to one thousand dollars by Art. 9, of Constitution of 1850.

(b) As amended by Act 18, of 1848, p. 14.

shall, by reason of sickness, absence, or other cause, be disabled from executing the duties of his office, his deputy, duly appointed, shall execute the duties thereof until such disability be removed, or until a Secretary shall be appointed, and such deputy shall receive an annual salary of five hundred dollars, payable quarter yearly.

Salary of Secretary.

(145.) SEC. 6. The Secretary shall receive an annual salary of eight hundred dollars, payable quarter yearly; *and also such fees and perquisites of office as shall be allowed him by law;* and he shall keep his office at the Capital. (c)

An Act for the Better Security of the Titles of Lands belonging to the State.

[Approved February 2, 1843. *Laws of 1843, p. 12.*]

Deeds to the State to be recorded in counties where lands lie, and in office of Secretary of State.

(146.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all deeds of conveyance to the State of any lands situated in this State or elsewhere, shall be recorded in the counties where the lands lie, and shall be duly registered and kept in the office of the Secretary of State of this State.

Confirmations of locations to be recorded by Secretary of State.

(147.) SEC. 2. All confirmations of University locations, of school lands for filling up fractional sections, of State lands of every description that may require confirmations, and sections for salt springs, and the use of salt springs, shall be also kept and recorded in the office of the Secretary of State.

Acts granting lands to State to be recorded.

(148.) SEC. 3. All acts and parts of acts by which any grants of lands have been, or hereafter may be made to this State, shall be collected and recorded in the record book aforesaid.

Other evidences of titles in the State to be recorded.

(149.) SEC. 4. All other evidences of title by which this State hold any lands, shall be in like manner recorded in the office of the Secretary of State, so that his office shall contain the whole collection of all the land titles of the State of Michigan.

Secretary of State to cause plats to be made.

(150.) SEC. 5. When the titles aforesaid are fully collected and arranged, the Secretary of the State shall cause the same to be platted in such a manner as to show them accurately and distinctly on such plats.

New locations of State lands to be recorded and platted.

(151.) SEC. 6. All new locations of State lands for any purpose, shall be immediately entered of record, and platted as aforesaid.

An Act to Provide for Recording the Evidences of the Approval by the General Government of the Selections of Lands made by this State under Act of Congress, and for other purposes.

[Approved February 11, 1848. Laws of 1848, p. 30.]

(152.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the certificates of the Secretary of the Treasury of the United States of his approval, or the certificates and letters of the Commissioner of the General Land Office of the United States, of the approval by the Secretary of the Treasury of the selection of any lands heretofore granted, or which hereafter may be granted by the Congress of the United States to this State, and which certificates and letters have been, or hereafter may be received by the Secretary of the State, shall, together with their accompanying lists or descriptions of land, be recorded by him in a book kept for that purpose.

Approval of selections of lands for the State to be recorded by Secretary of State.

(153.) SEC. 2. Such record, or a transcript thereof, certified by the Secretary of State, under his seal of office, shall be received in any court of this State, as evidence of title in the State, to any of the lands therein mentioned.

Record made to be evidence.

SEC. 3. This act shall take effect, and be in force from and after its passage.

From Chapter Twelve of Revised Statutes of 1846.

THE STATE TREASURER.

(154.) SEC. 7. The State Treasurer, before entering upon the duties of his office, shall give bond to the people of this State in the sum of one hundred thousand dollars, with three or more sureties, to be approved by the Auditor General and the Attorney General, which bond shall be filed in the office of the Secretary of State.

State Treasurer to give bond.

(155.) SEC. 8. The condition of such bond shall be, in substance, that the Treasurer, and all persons employed in his office, shall faithfully discharge their respective duties and trusts, and that the said Treasurer shall use all necessary and reasonable diligence and care in the safe keeping and lawful disposal of all sums of money, books, bonds, notes, papers, and all other things appertaining to said office, and which have or shall come to his hands, or to the hands of any person or persons employed by him; and that the said Treasurer shall, upon reasonable notice, render a true account in the premises whenever he shall be thereunto required by any provision of

Condition of bond.

law in that behalf, or by the Senate or House of Representatives, and shall deliver over to his successor in said office, or to any other person authorized by law to receive the same, all moneys, books, bonds, notes, papers, and all other things belonging to said office; and that all balances which shall appear against him, shall be forthwith paid into the Treasury of the State.

Deputy Treasurer, his powers, duties and compensation.

(156.) SEC. 9. The Treasurer may appoint a deputy, for whose acts he shall be responsible, and may revoke such appointment at pleasure; and such deputy may execute the duties of the office during the sickness or necessary absence of the Treasurer, and shall receive an annual salary at the rate of seven hundred dollars, payable quarter yearly.

1840, p. 223, Sec. 4.

1844, p. 77, Sec. 1.

Proceedings on death, etc., of Treasurer.

(157.) SEC. 10. Upon the death or resignation of the Treasurer, or upon a vacancy in that office from any other cause, the Secretary of State, with two suitable persons to be appointed by warrant under the hand and seal of the Governor, shall repair to the place or places where the moneys, papers and other things belonging to the Treasury are usually kept, and having previously given notice to the late Treasurer, his heirs, executors, or administrators, and to his sureties, or one of them, or to such of the said persons as may be found in the State, to attend them, shall seal up and secure, in their presence, if they shall attend, all such moneys, papers, and other things supposed to belong to the State.

Ibid.

(158.) SEC. 11. They shall then give such representatives or sureties, if required by them, a true list of all boxes and packages so sealed up and secured, and shall note on such list the places wherein the same are deposited; whereupon, as soon as it can be conveniently done, and after notice to the parties mentioned in the preceding section, they shall cause the said boxes and packages to be examined, and a true inventory to be taken of the said moneys, and of all bonds, notes, securities, books, and other things appertaining to said office, which shall be required by such late Treasurer, or his representatives, or sureties, or either of them.

Ibid.

(159.) SEC. 12. A copy of such inventory shall be deposited by them in the Secretary's office, and any copies that may be required shall be given to any of the parties mentioned in the preceding section; and they shall safely keep all moneys and other effects mentioned as aforesaid, until another Treasurer shall be appointed, to whom, when qualified, they shall deliver over the same, taking duplicate receipts therefor, one of which

receipts shall be deposited with the Secretary, and the other shall be delivered to the said late Treasurer, or his legal representatives or sureties, or one of them.

(160.) SEC. 13. The Treasurer shall, on the first Tuesday of each month, and at such other times as the Auditor General may require, exhibit to the said Auditor General, for his examination, a true account of his receipts, and of moneys paid out by him as Treasurer. Treasurer to exhibit accounts to Auditor General.

(161.) SEC. 14. The Treasurer shall make to the Legislature, at its annual session in January in each year, and at such other times as he shall be required by either branch of the Legislature, an exact statement of the balance in the Treasury to the credit of the State, with a summary of the receipts and payments of the Treasury during the preceding year; which annual statement he shall cause to be published with the laws of the session at which the same shall have been made. Statement to be made to Legislature and published with laws.

(162.) SEC. 15. He shall keep his office at the Seat of Government, and shall receive an annual salary of one thousand dollars, payable quarter yearly, in full compensation for all his services. Where to keep office. His salary.

(163.) SEC. 16. The fiscal year for the Treasury of this State, shall commence on the first day of December in each year, and close on the thirtieth day of November in the succeeding year. Fiscal year. 1839, p. 116.

An Act in Relation to Stocks Pledged by Banks, and for other purposes.

[Approved Feb. 18, 1850. Laws of 1850, p. 29.]

(164.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer be, and he is hereby authorized to change at discretion the stock pledged by the banks as security for circulating notes, and receive others allowed by their acts of incorporation, in exchange. State Treasurer may change stock pledged by Banks.

(165.) SEC. 2. That all stocks hereafter pledged by the banks shall be received by the State Treasurer, at an estimate as provided by their acts of incorporation, but at a rate not above their par value; and for all stocks heretofore pledged by the banks, which have been received at an estimate above their par value, it shall be the duty of the State Treasurer to notify the banks to return, forthwith, notes to the amount of such excess, or to deposit stocks allowed by the acts of incor- How stocks hereafter pledged to be received.

poration to make up the deficiency; or he may retain the interest due on the stocks to the amount of said excess.

Peninsular Bank
act amended.

1849. p. 139.

Plates and notes
to be kept by
Treasurer.

(166.) SEC. 3. That section six of an act to incorporate the President, Directors and Company of the Peninsular Bank, approved March 28, 1849, be, and the same is hereby amended by striking out the word "next," in the last line of said section as printed, and by inserting in the place thereof the words "one thousand eight hundred and fifty-one:" *Provided*, That the said Peninsular Bank shall, within sixty days after the passage of this act, deliver to the State Treasurer, or his authorized agent or agents, the bank note plates of said bank, also all notes printed and not countersigned by said Treasurer.

(167.) SEC. 4. The said Treasurer is hereby required to safely keep the said plates and notes, and from time to time to deliver to said bank such an amount of circulating notes, duly countersigned and registered by him, as said bank shall be entitled to under their charter.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act to Provide for the Withdrawal of Stocks from the hands of the State Treasurer, in certain cases.

[Approved February 9, 1855. Took effect May 16, 1855. Laws of 1855, p. 81.]

Exchange and
transfer of stocks
pledged by
Banks.

Stocks may be
given up on can-
cellation of bills,
etc.

But sufficient
shall always be
retained to se-
cure notes in
circulation.

(168.) SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer, upon the application of any bank of this State whose bills or circulating notes are secured by a deposit of stocks, may, in his discretion, change or transfer such stocks for other stocks of the kind specified in their acts of incorporation respectively, or he may retransfer the same to said bank, upon receiving and cancelling an equal amount of such bills or circulating notes, in such manner that the bills or circulating notes of such bank, not so received or cancelled by him, shall always be and remain secured in full by stocks deposited, as in the respective charters of said banks is provided.

From Chapter Twelve of Revised Statutes of 1846.

THE AUDITOR GENERAL.

Auditor General
to state accounts,
etc.

(169.) SEC. 17. The Auditor General shall state all accounts, and examine and liquidate the claims of all persons against

the State, in cases provided for by law, and give his warrant therefor; and in cases of claims against the State which cannot be liquidated by him, or by the Board of State Auditors, without further Legislative provision, he shall examine and report the same, with the facts relating thereto, to the Legislature, with his opinion thereon.

(170.) SEC. 18. He shall also examine, adjust and settle the claims of all persons indebted to the State; and when there shall be any account liquidated, showing any amount to be due to any person, for the payment whereof an appropriation shall have been made by law, he shall draw his warrant on the Treasury therefor.

To settle claims and draw warrants on Treasurer.

(171.) SEC. 19. No moneys shall be paid out of the State Treasury, except on the warrant of the Auditor General; and all receipts for money paid to the Treasurer, shall be taken to the Auditor General, who shall countersign the same, and enter them in the proper book in his office for that purpose, to the credit of the person by whom such payment shall be made, and no such receipt, unless countersigned, shall be evidence of such payment.

Moneys not to be paid out of Treasury except on Auditor's warrant.

Receipts to be countersigned, etc.

(172.) SEC. 20. The Auditor General shall keep an account, in proper books to be provided by him for that purpose, between the State and the Treasurer, charging therein to the Treasurer the balance in the Treasury, and all moneys received by him, and giving him credit therein on the first Tuesday in every month, for all warrants paid by him, which warrants shall thereupon be cancelled by the Auditor General; and he shall also keep an account of all outstanding warrants not paid by the Treasurer.

Accounts between Treasurer and State.

(173.) SEC. 21. He shall, on the first Tuesday in each month, and at any other time when he may deem it necessary, examine the Treasurer's account of moneys received, and of moneys paid out by him; and if, on examining such account, he shall discover any irregularity or deficiency therein, he shall, as soon thereafter as may be, report in writing the nature and extent of such irregularity or deficiency to the Governor, so that the same may be submitted to the Legislature, if, in the opinion of the Governor, the interests of the State shall require it.

Auditor to examine Treasurer's accounts, and report irregularity, etc.

(174.) SEC. 22. The Auditor General shall make to the Legislature, at its session in January *in each year*, and at such other times as he shall be required by either branch of the Legislature, a complete statement of the funds of the State,

Statement of the funds and revenue of the State, etc.

- and of the revenue thereof, and of the amount of salaries of the officers of the Government, and of other contingent expenses, and other appropriations for the year preceding, and recommend such improvements in the financial system of the State as he may deem expedient.
- 1838, p. 292. To transmit collection laws. (175.) SEC. 23. He shall, from time to time, transmit copies of all laws that may be made relative to the collection of the State revenue, as soon as the same shall be published in the newspapers in which they are authorized to be printed, to the officers concerned in carrying the same into effect.
- Instructions to certain officers. (176.) SEC. 24. He shall also draw up instructions for the government of the officers concerned in the collection of the revenue, in the premises; which instructions, certified by the Attorney General to be in accordance with law, shall be binding upon such officers; and the publishers of the laws of this State shall publish such instructions, and furnish the Auditor General with so many copies thereof as he may deem necessary.
- Where to keep his office. (177.) SEC. 25. The Auditor General shall keep his office at the Seat of Government; and shall receive an annual salary of one thousand dollars, payable quarter yearly, in full for all his services.
- His salary. (178.) SEC. 26. The Auditor General may appoint a deputy, for whose acts he shall be responsible, and may revoke such appointment at pleasure; and such deputy may execute the duties of the office during the sickness or necessary absence of the Auditor General, and shall receive an annual salary at the rate of seven hundred dollars, payable quarter yearly.
- 1840, p. 233, Sec. 4. Deputy Auditor General, his powers and compensation. (179.) SEC. 27. The Auditor General may also employ so many regular clerks as may be necessary, not exceeding two, at an annual salary of six hundred dollars, payable quarter yearly, and so many extra clerks as may from time to time be necessary, at a salary not exceeding four hundred and seventy-five dollars a year, payable monthly or otherwise, as the Auditor General may think proper. (d)

THE ATTORNEY GENERAL

- Duties of Attorney General. (180.) SEC. 28. The Attorney General shall prosecute and defend all actions in the Supreme Court, in which the State shall be interested, or a party; and shall also, when requested

(d) As amended by "An Act to amend Chapter Twelve of Revised Statutes of eighteen hundred and forty-six," approved April 7, 1851. Laws of 1851, p. 171.

by the Governor, or either branch of the Legislature, appear for the people of this State in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this State may be a party, or interested.

(181.) SEC. 29. It shall be the duty of the Attorney General,^{Duties of Attorney General.} at the request of the Governor, the Secretary of State, the Treasurer, or the Auditor General, to prosecute and defend all suits relating to matters connected with their departments.

(182.) SEC. 30. The Attorney General shall consult with and advise the Prosecuting Attorneys, when requested by them,^{To advise Prosecuting Attorneys, and make report to Legislature.} in all matters pertaining to the duties of their offices; and he shall make and submit to the Legislature, at the commencement of its annual session, a report of all official business done by him during the year preceding, specifying the suits to which he has attended, the number of persons prosecuted, the crimes for which, and the counties where such prosecutions were had, the results thereof, and the punishments awarded.

(183.) SEC. 31. The Attorney General shall include in his annual report, an abstract of the annual reports of the several Prosecuting Attorneys.^{Abstract of reports of Prosecuting Attorneys.}

(184.) SEC. 32. It shall be the duty of the Attorney General,^{To give opinion when required by Governor, etc.} when required, to give his opinion upon all questions of law submitted to him by the Legislature, or by either branch thereof, or by the Governor, Auditor General, Treasurer, or any other State officer; and also to notify the County Treasurer of the proper county, of the neglect or refusal of any Prosecuting Attorney to make the annual report to the At-^{To notify neglect of Prosecuting Attorneys.} 1841, p. 16, Sec. 2. torney General required of him by law.

(185.) SEC. 33. All moneys received by the Attorney General, for debts due, or penalties forfeited to the people of this State, shall be paid by him, immediately after the receipt thereof, into the Treasury.^{To pay over moneys.}

(186.) SEC. 34. The Attorney General shall keep, in proper books to be provided for that purpose at the expense of the State, a register of all actions or demands prosecuted or defended by him in behalf of the people of this State, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.^{To keep register of demands, etc., and deliver the same to successor.}

(187.) SEC. 35. The Attorney General shall receive an^{Compensation.} annual salary of *seven* hundred dollars, payable quarter yearly, and his actual necessary expenses. (e)

(e) As amended by Act 106 of 1847, p. 168. The salary is increased to eight hundred dollars by Art. 9 of the Constitution.

From Chapter Twelve of Revised Statutes of 1846.

THE ADJUTANT GENERAL

Adjutant General
how appointed;
his rank and
term of office.

(188.) SEC. 52. An Adjutant General for this State shall be appointed by the Governor, by and with the advice and consent of both branches of the Legislature in joint convention, who shall be of the rank of Brigadier General, and shall hold his office for two years, and until his successor shall be appointed and qualified.

1844, p. 100, Sec.
7.

Oath of office and
compensation.

(189.) SEC. 53. The Adjutant General shall, before entering upon the duties of his office, and within twenty days after notice of his appointment, take the constitutional oath of office, and file the same with the Secretary of State, and shall receive, as a full compensation for all his services, the sum of three hundred dollars annually, payable quarter yearly.

1844, p. 100, Sec.
7.

To make return
of Militia to Gov-
ernor annually.

(190.) SEC. 54. He shall, in each year, prepare a return of the militia of this State, exhibiting their full numerical strength, together with all the arms and military stores belonging to the State, designating the several kinds, condition and place of deposit, which return he shall deliver to the Governor on or before the first day of December.

Other duties.

(191.) SEC. 55. The Adjutant General shall perform all such other duties relating to the militia, arms and military stores of this State, as are required of him by law.

From Chapter Twelve of Revised Statutes of 1846.

STATE LIBRARY AND LIBRARIAN.

SEC. 49. *f*)

State Library;
Where kept, and
who have access
to.

(192.) SEC. 50. The State Library shall be kept in the room in the Capitol which it now occupies, until some other provision shall be made in reference thereto, and the members of both Houses of the Legislature, and the Executive and Judicial officers of the State shall at all times have free access thereto, under such regulations as shall have been made by the Secretary of State.

SEC. 51. *g*)

(f) This section, as well as section 51, related to the duties of the Secretary of State as Librarian, and are superseded.

(g) See last note.

An Act to Provide for the Better Management and Care of the State Library.

[Approved April 2, 1850. Laws of 1850, p. 363.]

(193.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That a State Librarian ^{State Librarian to be appointed; His term, and salary.} shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for the term of two years, whose salary shall be fixed at the sum of five hundred dollars per year, payable quarterly, out of the State Treasury, and whose duty it shall be to have the sole care and charge of the Library and the affairs pertaining thereto, and who shall make an annual report to the Legis- ^{Report.} lature, at the commencement of each session thereof, as to its condition, and report the number and description of the volumes contained therein.

(194.) SEC. 2. That the State Librarian shall, within twenty ^{Catalogue of Library.} days after the passage of this act, and also on the first Monday of January in each year thereafter, make out and deliver to the Auditor General, a full catalogue of all the books at such time belonging to the State Library in his possession; and such catalogue shall be published annually for the use of the Legislature.

(195.) SEC. 3. The Librarian shall, before entering upon the ^{Bond of Librarian.} duties of his office, file with the Auditor General his receipt for all property entrusted to him, and give a good and sufficient bond, approved by the Secretary of State, conditioned for the safe keeping of such property; and such bond and receipt shall not be cancelled until the receipt of his successor for the property delivered over to him shall be obtained, and payment for all deficiencies made.

(196.) SEC. 4. Before any member of the Senate or of the House of Representatives, or of the Convention to revise the ^{Books to be returned by members of Legislature, etc., before they receive their pay.} Constitution, shall receive their pay in full, it shall be necessary for such member to obtain and exhibit a certificate from the Librarian, stating that such member has returned all books he may have drawn, if any, from the State Library.

(197.) SEC. 5. If, at the expiration of sixty days after the ^{Prosecution for detention of books.} passage of this act, any person shall unlawfully or improperly have in his possession any book or books belonging to the State Library, such person shall be liable to prosecution therefor, both by civil and criminal proceedings; and it shall be the duty of the Attorney General to ascertain, so far as prac-

licable, the names of those who may become liable under this section, and forthwith to prosecute the same.

Act to be published.

(198.) SEC. 6. The Secretary of State shall cause this act to be published for six weeks next succeeding its passage, in each of the newspapers published in the city of Detroit.

Repeal of inconsistent Laws.

(199.) SEC. 7. All provisions of law inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

An Act Relating to the State Library.

[Approved April 8, 1851. Took effect July 8, 1851. Laws of 1851, p. 209.]

Library room.

(200.) SECTION 1. *The People of the State of Michigan enact,* That the State Library room shall be appropriated to the use of the Superintendent of Public Instruction, for his office.

State Librarian to keep meteorological tables.

(201.) SEC. 2. The State Librarian, in addition to the duties prescribed by law, shall keep a set of meteorological tables, after the forms adopted by the Smithsonian Institute, and under the direction of the Superintendent of Public Instruction; and the same shall be embraced with annual report of the Superintendent, together with the report of the Librarian.

Superintendent of Public Instruction to deposit books, etc., in State Library.

(202.) SEC. 3. The Superintendent of Public Instruction shall cause the books, papers, maps, apparatus, etc., pertaining to his office, to be deposited in the State library; and it shall be his duty to collect such books, maps, apparatus, etc., as can be obtained without expense to the State, and deposit the same in the library.

Librarian to act as Assistant Superintendent.

(203.) SEC. 4. The Librarian shall also act as assistant to, and shall perform such duties as may from time to time be required by the Superintendent, free of expense to the State.

An Act Relative to Copies of the United States Laws.

[Approved March 1, 1847. Laws of 1847, p. 36.]

Copies of U. S. Laws to be procured and deposited in State Library.

(204.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State is hereby authorized and directed to procure one or more complete copies of the Laws of the United States to be deposited in the State Library for the use of the Legislature, and when so procured and deposited, the said copy or copies shall not be taken from the Capitol by any person whatsoever.

From Chapter Twelve of Revised Statutes of 1846.

THE BOARD OF STATE AUDITORS.

(205.) SEC. 44. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a Board of State Auditors, and as such they shall have power, and it shall be their duty annually, and at any other time in their discretion, to enter into a full settlement and final adjustment with every officer and agent of the State, of all debits, credits, claims and demands of whatsoever description, between such officer or agent and this State, and it shall also be their duty to examine, adjust and settle all other claims and demands against this State which may be presented by any other person or persons, the settlement of which is not otherwise already provided by law; but such board shall not allow and audit any claims against the State, unless the same shall be established by competent testimony; and said board shall keep a record of its proceedings, which shall contain each claim presented and its items, an abstract of the evidence taken, the amount adjusted and settled in favor of the person or persons presenting the claims, or in favor of the State; and any member of said board shall have power to administer oaths to any person or persons presenting claims, or to witnesses; to examine the person or persons under oath, to issue subpoenas to any part of the State against witnesses; and if any witness or witnesses fail to appear in pursuance thereof, and the fees provided herein shall have been paid or tendered, to issue attachments to compel their attendance; to set off any legal or equitable claim against such person or persons in favor of the State, upon proof of the same, and to adjourn from time to time: *Provided however*, That every witness shall be entitled to one dollar a day while in attendance before the board, and six cents a mile in coming to the place of attendance, to be paid by the party who procures said witnesses: *And provided, further*, That in all settlements with the State Treasurer, the Auditor General shall be a member of said board for that purpose, to the exclusion of the Treasurer. (h)

(206.) SEC. 45. The annual settlement of the accounts of the

(h) As amended by "An Act to Amend Sections Forty-Four, Forty-Six and Forty-Seven, Chapter Twelve of the Revised Statutes of 1846, relative to the Board of State Auditors." Approved April 7, 1851. Laws of 1851, p. 173.

settlement of accounts to be made.

several receiving or disbursing officers or agents of this State, before the Board of State Auditors, shall be had as soon after the first day of December, in each year, as the accounts of said officers on the books of the Auditor General can be closed for the preceding fiscal year; of which time the Auditor General shall give notice to the Treasurer, who shall thereupon require

Notice to be given. 1844, p. 31, Sec. 1. said several officers and agents to appear before said board at his office, on some day to be designated by him, of which time he shall also notify the other members of the board.

Settlement with State officers.

(207.) SEC. 46. As soon as practicable after the expiration of the official term or resignation of any such receiving or disbursing officer or agent, the Secretary of State shall give notice to the Board of State Auditors, and to such officer or agent, to meet at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent; and the said board shall proceed thereon in the same manner as is provided in relation to the annual settlement of said account. (i)

When party entitled to warrant for payment of claim.

(208.) SEC. 47. If, upon the allowance of any claim, or upon a balance being struck on any settlement made in pursuance of this chapter, it shall appear that the State is indebted to the party with whom such settlement is made, or to whom such claim shall be allowed, he shall be entitled to a warrant drawn by the Auditor General upon the State Treasurer therefor forthwith; but if it shall appear that such party is indebted to the State, said board shall demand immediate payment of the amount due; and if for any cause such payment is not immediately made, the fact shall be entered upon the books of the Treasury, and the Treasurer shall give notice thereof to the Auditor General, and the Auditor General shall not thereafter draw any warrant in favor of such person upon the Treasurer until such payment be made; and the Attorney General shall proceed forthwith to collect the same, if, in the opinion of the board, the interests of the State require it. (j)

Report of State Auditors. 1842, p. 16, Sec. 6.

(209.) SEC. 48. The board of State Auditors shall submit to the Legislature *annually*, at the commencement of its session in January, a report of their doings during the year next preceding.

An Act to Amend Section Forty-Four (44), of Chapter Twelve (12), of the Revised Statutes of 1846.

[Approved Jan. 26, 1848. Laws of 1848, p. 9.]

SEC. 1. (k)

(210.) SEC. 2. It shall be the duty of the Attorney General to appear in behalf of the State, before the Board of State Auditors, when they shall sit to audit claims against the State, and to that end, said board shall give said Attorney General timely notice of the time and place of their meeting to audit such claims.

Attorney General
to represent
State before the
Board.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to Amend an Act entitled an Act to Amend Section Forty-Four of Chapter Twelve of the Revised Statutes.

[Approved Feb. 2, 1848. Laws of 1848, p. 22.]

(211.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors, upon the presentation of any claim or matter which has been, or which hereafter may be referred by the Legislature to them for adjustment, shall fix a time for the hearing thereof, reasonable notice of which shall be given by them to the Attorney General; and they may, in their discretion, adjourn the hearing of any such matter from time to time.

State Auditors to
fix time for hear-
ing claims, etc.

(122.) SEC. 2. Any member of said board may issue subpoena for witnesses, whose attendance the board may compel by attachment, and who may be sworn by any member of the board.

May issue sub-
poena.

SEC. 3. This act shall take effect from and after its passage.

Joint Resolution Relative to Costs before the Board of State Auditors.

[Approved March 27, 1848. Laws of 1848, p. 457.]

(213.) *Resolved, by the Senate and House of Representatives of the State of Michigan,* That in the investigation of claims heretofore referred, or hereafter to be referred to the Board of State Auditors, all proper and reasonable costs incurred on the part of the State for fees to witnesses in procuring their attendance before the Board, or in taking their depositions, shall be audited and allowed by said board, who shall

Costs may be
awarded by
Board.

(k) Amends Sec. 44. The same Section was subsequently amended as above given.

certify to the Auditor General the amount allowed, if any, in the examination of each claim, specifying in said certificate the persons to whom such allowances are made, and the sum allowed to each person, for which the Auditor General shall draw his warrant upon the Treasury.

Resolved, That the above resolution shall take effect from its passage.

An Act Making Appropriation for the Payment of Warrants drawn by the Board of State Auditors.

[Approved February 12, 1855. *Laws of 1855*, p. 270.]

Appropriation to
pay warrants.

(214.) SECTION 1. *The People of the State of Michigan enact*, That there be appropriated from the general fund such sums as may be necessary to pay warrants that may be drawn upon claims allowed by the Board of State Auditors.

This act shall take effect immediately.

An Act to Provide for the Payment for Wood, Lights, and other Incidental Expenses of the Legislature and State Offices.

[Approved February 2, 1849. *Laws of 1849*, p. 16.]

State Auditors to
audit claims for
supplies for State
officers, and for
care, etc., of
State property.

(215.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, The Board of State Auditors are hereby authorized to contract for or purchase wood, lights and necessary furniture for the legislative halls and State offices from time to time, and to audit and allow the accounts for the same, and accounts for making necessary repairs on the Capitol, and the house and grounds adjoining belonging to the State, and also for a porter to take charge of the State offices in the Capitol, and for transportation of packages to and from the State offices, for the payment of which the State would be liable, and for other necessary incidental expenses of said offices, and also for the improvement of Capitol Block by planting trees and shrubbery upon said block, and also for all other necessary improvements for the enhancement of the value of the property of the State at Lansing; and also to procure plans, drawings and estimates for a State Capitol, to be submitted to the Legislature of eighteen hundred and fifty-nine. (l)

(l) As Amended by an Act to Amend Act Number Twenty-Two of the Session Laws of 1849, being an Act to Provide for the Payment for Wood, Lights and other Incidental Expenses of the Legislature and State officers. Approved February 17, 1857. Took effect May 17, 1857. *Laws of 1857*, p. 443.

(216.) SEC. 2. Such accounts, when so audited and allowed, shall be charged by the Auditor General to the appropriate accounts, and upon his warrant, shall be paid from the State Treasury, from moneys belonging to the respective funds on which the warrant shall be so drawn. Auditor General to charge accounts and draw warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to Provide for Letting to Contract the Furnishing of Fuel and Stationery for the use of the State, and also the State Printing and Binding.

[Approved June 24, 1851. Laws of 1851, p. 269.]

(217.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Secretary of State, on the first Monday of October next, and every second year thereafter, to cause to be published in some newspaper published at the Seat of Government, and such other newspapers published in this State as he shall deem necessary and proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals and documents, all blanks, paper and printing for the Executive Departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for receiving such proposals. Secretary of State to advertise for proposals. Constitution, Art. 4, Sec. 22.

(218.) SEC. 2. Said notice shall specify the kind and quality of the articles, and the time when the same shall be delivered, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice. Specifications.

(219.) SEC. 3. The printing and binding of the laws, journals and documents, to be in a style and manner equal to the printing and binding for the State in the year eighteen hundred and forty-seven, and be completed in a reasonable length of time, to be specified in the contract for the same. Printing and binding.

(220.) SEC. 4. At the time and place specified in said notice, it shall be the duty of the Board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State pursuant to such notice, and immediately enter into written contract or contracts, to commence on the first day of January then next, with the State Auditors to examine proposals and let contracts.

person or persons whose propositions are the lowest, and who shall execute bonds to the People of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the said Board of State Auditors shall require, for the faithful performance of such contract.

Demands against State; how audited and paid.

(221.) SEC. 5. All demands against the State arising under such contracts, from time to time, shall be audited by the Board of State Auditors; but no charge for constructive labor shall in any case be allowed. The Auditor General shall draw his warrant on the State Treasurer for all sums so audited and allowed, who shall pay the same out of any moneys in the Treasury not otherwise appropriated.

Duties of Attorney General in case of non-fulfillment of contract.

(222.) SEC. 6. In case any such contractor shall fail to perform his contract, it shall be the duty of the said Board of State Auditors to cause the objects of such contract to be accomplished in any way by them deemed advisable for the best interest of the State; and it shall be the duty of the Attorney General forthwith to prosecute the bonds of such delinquent contractor.

SEC. 7. This act shall take effect immediately.

THE STATE BOARD OF EQUALIZATION.

An Act to Provide for a State Board of Equalization.

[Approved April 7, 1851. Laws of 1851, p. 143.]

Who to compose State Board of Equalization.

(223.) SECTION 1. *The People of the State of Michigan enact,* That there shall be a State Board of Equalization, to consist of the Lieutenant Governor, Auditor General, Secretary of State, State Treasurer and Commissioner of the Land Office, whose duty it shall be, in the year eighteen hundred and fifty-one, and every fifth year thereafter, to equalize the assessments on all taxable property in the State, as is hereinafter provided.

Their duty.

When to meet at Capital.

(224.) SEC. 2. It shall be the duty of the board to meet at the Capitol in the village of Lansing, on the third Monday of August, and the persons composing it shall organize by choos-

Who to act as Secretary.

ing one of their number chairman, and the deputy Auditor General, or one of the clerks in the office of the Auditor General, shall act as secretary, who shall keep a record of the proceedings, which shall be certified by said chairman and secretary, and filed in the office of the Auditor General.

(225.) SEC. 3. The several persons constituting the board as Oath of office. herein provided, before entering upon the duties of their office, shall each take and subscribe the constitutional oath of office, before some person authorized to administer oaths; which oaths shall be filed and preserved with the proceedings of the board.

(226.) SEC. 4. After said board shall have been organized, Board to examine tabular statements of Boards of Supervisors. they shall proceed to examine the tabular statements of the Board of Supervisors of each county, provided for in the eighth section of this act, and to hear the representatives from the several Boards of Supervisors as hereinafter provided; and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, production, and manufactories; and also whether the personal estate of the several counties has been uniformly estimated, according to the best information which can be derived from the statistics of the State, or from any other source. If, after such examination, such assessment Assessments relatively unequal, how equalized. shall be determined relatively unequal, they shall equalize the same, by adding to or deducting from the aggregate valuation of taxable real and personal estate in such county or counties, such per centage as will produce relative equal and uniform valuations between the several counties in the State; and the per centage added to or deducted from the valuations in each county, shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

(227.) SEC. 5. It shall be the duty of the Auditor General, as Duty of Auditor General and County Treasurer. soon as may be, after the determination of the State Board of Equalization shall be filed in his office, as provided in the preceding section, to send a certified transcript of the same to the Treasurer of each county, who shall cause the same to be published in one or more papers in the county.

(228.) SEC. 6. A meeting of the Board of Supervisors for the Board of Supervisors to equalize assessments. year eighteen hundred and fifty-one, shall be held on the second Monday of June, and on the second Monday of June every fifth year thereafter; and when convened, the board shall proceed to equalize the assessment rolls in the same manner as is provided in Chapter Twenty of the Revised Statutes of eighteen hundred and forty-six; and each of said Supervisors

shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of the real estate and personal property so assessed, so as to show the aggregate of each.

Board may hear evidence.

(229.) SEC. 7. The Board of Equalizers shall hear any evidence which may be laid before them by any person appointed by any Board of Supervisors, and any representation made by such person in behalf of any county.

Clerk of Board of Supervisors to make out tabular statement for Auditor General.

(230.) SEC. 8. It shall be the duty of the clerk of each Board of Supervisors to make out a tabular statement, from the aggregate of the several assessment rolls, of the number of acres of land, and the value of the real estate and personal property in each township and ward, as assessed, and also the aggregate valuation of the real estate of each roll as equalized, and make a certified copy thereof, signed by the chairman and clerk, and transmit the same to the Auditor General, on or before the second Monday of July following, who shall lay the same before the State Board of Equalization, when organized.

Three to constitute quorum.

(231.) SEC. 9. Any three members of the board shall constitute a quorum for the transaction of business. The Lieutenant Governor shall receive three dollars a day for actual attendance, and ten cents a mile for travel in going to and returning from the Seat of Government, the usual traveled route, to be paid out of the Treasury, on the warrant of the Auditor General.

Compensation of Lieut. Governor.

SEC. 10. This act shall take effect immediately.

PROVISIONS RESPECTING STATE INDEBTEDNESS AND STATE FUND COMMISSIONERS.

An Act to Provide for the Withdrawal of Treasury Notes, and for other purposes.

[Approved February 10, 1842. Laws of 1842, p. 24.]

SECTION 1. (m)

Treasurer to cancel and destroy Treasury Notes.

(232.) SEC. 2. The State Treasurer is hereby required to cancel and destroy all Treasury Notes received into the Treasury, to the credit of the sinking fund, in the presence of the Auditor General, receiving credit on account of said Treasury Notes, to the amount so cancelled and destroyed; and whenever any other moneys shall be received to the credit of the sinking fund than Treasury Notes as aforesaid, and there shall

See Laws of 1843, p. 3.

(m) Related to the receipt and payment over of moneys received for fare, etc., on State works of Internal Improvement.

be in the Treasury, to the credit of any other fund or funds, any Treasury Notes, such other money shall be passed to the credit of said fund or funds, and an equal amount of Treasury Notes shall be transferred therefrom to the sinking fund, and cancelled as above described, and the said credit shall as well describe the number and amount of each particular denomination of bills, as the aggregate amount so destroyed.

(233.) SEC. 3. Gold and silver, Treasury Notes heretofore emitted, or bills of sound specie paying banks, at the discretion, and upon the responsibility of the receiving officer or officers, shall alone be receivable for any debt, taxes, or other dues coming to the State: *Provided*, that delinquent tax bonds heretofore issued, or which may hereafter be issued, and the coupons thereon, as they severally become due, may be received in payment of delinquent taxes.

Gold and silver, Treasury Notes, or bills of specie paying banks, alone to be taken for public dues.

Proviso.

(234.) SEC. 4. All collecting and disbursing officers, all county and township treasurers, and all other public officers or agents, through whose hands public moneys pass, are hereby required to pay into the State, county and township treasuries, as the case may be, or to State, county and township creditors, as the case may be, at the option of such creditors, or to civil and military officers entitled to compensation for public services, at the option of such officers, the same description of funds which they shall have received in the collection of taxes or other public dues, *or for freight and charges to passengers on the State railroads*. Any of the aforesaid collecting and disbursing officers or agents, who shall violate any of the provisions of this act, or shall appropriate any of the public moneys to his or their own private use, except in pursuance of law, or shall lend to others, or otherwise embezzle any of the said public moneys, he or they shall be prosecuted for said offence, and, on conviction thereof, be punished by fine and imprisonment; the fine not to be more than one thousand dollars, and the imprisonment not to exceed five years, at the discretion of the Court.

Officers and agents to pay over the same funds they receive.

Fine and imprisonment for violation of act, or misappropriation of money.

SEC. 5. This act shall take effect and be in force at the expiration of ten days from and after its passage.

An Act in Relation to the Payment of Interest on Certain State Stocks.

[Approved March 7, 1843. Laws of 1843, p. 131.]

Interest on State
Stocks or Bonds
may be paid at
State Treasury.

(235.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the payment of interest on any of the stocks or bonds of this State, now payable in New York or elsewhere, may hereafter be made at the State Treasury, if the holders of said stock or bonds shall so elect.

SEC. 2, 3. (n)

SEC. 4. This act shall take effect and be in force from and after its passage.

An Act to Liquidate the Public Debt, and to Provide for the Payment of the Interest thereon, and for other purposes.

[Approved March 8, 1843. Laws of 1843, p. 150.]

WHEREAS, the interest is in arrear, and unpaid on certain bonds, issued by the State, for part of the five million loan, so called, which bonds the State has received the full consideration for, and is legally and equitably bound to provide for the payment of the principal and interest thereof, according to the terms of said bonds respectively, and which bonds are specified in the first section of this act; and WHEREAS, the holders of said bonds have expressed a willingness to receive the bonds of the State, in payment of the interest which has accrued thereon, and which may accrue thereon up to the first day of July, which will be in the year eighteen hundred and forty-five, and to surrender the coupons attached to said bonds up to the said first day of July, eighteen hundred and forty-five: therefore,

Governor authorized to issue
bonds for interest
in certain cases.

(236.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be, and is hereby authorized to issue and deliver, on the surrender of the coupons for the corresponding period, the bonds of the State for the interest which has accrued on the bonds hereafter specified in this section, since the first day of July, in the year eighteen hundred and forty-one, and the interest that will accrue up to the first of July, eighteen hundred and forty-five, and interest on such interest after the same became due, and

which shall become due and payable hereafter, agreeable to the stipulation for the payment of interest on the bonds of this State, issued as a part of the five million loan up to the first day of July, in the year eighteen hundred and forty-five, to the holders, for the time being, of any of the following bonds, issued for part of the five million loan, so called, that is to say : bonds for the sum of one thousand dollars each, numbers one hundred and one to one hundred and eighty-eight [101 to 188], inclusive ; four hundred and ninety-six to five hundred [496 to 500], inclusive ; five hundred and fifty-two and five hundred and fifty-three [552 and 553], six hundred and one to eight hundred, [601 to 800,] inclusive ; and bonds for the sum of three thousand dollars each, numbers one to three hundred and fifty-six, each [1 to 356], inclusive ; three hundred and ninety-nine and four hundred [399 and 400], four hundred and thirty-four to four hundred and thirty-nine [434 to 439], inclusive ; being in all, two hundred and ninety-five bonds of the denomination of one thousand dollars each, and three hundred and sixty-four bonds of the denomination of three thousand dollars each, amounting in all to the principal sum of one million three hundred and eighty-seven thousand dollars, [1,387,000], which said bonds for the interest shall be in the same form as the bonds heretofore issued for said loan, and shall be made payable on the first day of January, which will be in the year one thousand eight hundred and fifty, with interest thereon at the rate of six per centum per annum from and after the first day of July, one thousand eight hundred and forty-five, to be paid semi-annually, on the first days of July and January, in each year, at such place in the city of New York as the Governor shall designate, and for the payment of which bonds, according to the terms thereof, the faith of the State is hereby pledged.

Governor authorized to issue bonds for interest in certain cases.

(237.) SEC. 2. For the payment of interest accruing after the first of July, eighteen hundred and forty-five, on the bonds specified in the first section of this act, and on the bonds which may be issued under the sixth section of this act, the net proceeds of all the public works of the State, shall be, and they are hereby pledged, except so far as the same have been, or may be, appropriated by law, for the completion of the Central and Southern Railroads to Marshall and Hillsdale, and so far as the same may be necessary for the purchase of locomotive engines, cars for said road, etc., for the redemption of State scrip now outstanding with interest thereon ; and also for the

For payment of interest net proceeds of all public works, pledged with exceptions.

payment of interest on warrants heretofore drawn on the Internal Improvement Fund.

Bonds receivable
in payment for
the Public Lands,
with exceptions.

(238.) SEC. 3. The bonds which may be issued for the interest, according to any provision in this act contained, shall be receivable in payment for the public lands of the State, University and school lands excepted: *Provided*, this section shall not go into effect before the first day of July, A. D. eighteen hundred and forty-five.

Deficiency in pay-
ment of interest
to be made up by
taxation.

(239.) SEC. 4. In case of any deficiency arising from the proceeds of the public works, to pay the interest on the bonds specified in the first section of this act, as the same shall become due and payable, or on the bonds which may be issued under the sixth section of this act, after the first day of July, eighteen hundred and forty-five, the same shall be made up out of any moneys in the Treasury, not otherwise appropriated; and if there be no money in the Treasury when such deficiency is ascertained, which may be used for such purpose, then the same shall be provided for by tax, as hereinafter provided.

Proceedings by
Auditor General
on ascertaining
deficiency.

(240.) SEC. 5. Upon ascertaining such deficiency, the Auditor General shall be, and he is hereby authorized and required to transmit the amount to be assessed in each county to the proper authorities of such county, and the same shall be by them assessed, levied, collected and returned in the same manner as other State taxes are levied, collected and returned.

And WHEREAS, A large amount of the bonds of this State, issued under the act authorizing said loan, were delivered to the United States Bank, and Morris Canal and Banking Company, in pursuance of a contract of sale made with them in the month of November, eighteen hundred and thirty-eight, which they neglected to fulfill, and upon which they advanced to this State only a small portion of the amount of said bonds, which said bonds it is understood the said bank has hypothecated as security for money borrowed by them, and the same remains outstanding: and WHEREAS, the said bank is bound to surrender the whole of said bonds to the State, to be cancelled on the liquidation of the amount actually due, and it is desirable that the same may be settled as speedily as practicable; therefore, be it further enacted:

When bonds held
or hypothecated
by United States
Bank shall be re-
turned, Govern-
or to issue new

(241.) SEC. 6. That whenever the whole of said last mentioned bonds shall be surrendered to the State to be cancelled, the Governor shall, and he is hereby authorized to execute and deliver to the holders thereof, the bonds of this State for the money which has been actually received from the United States

Bank upon the said bonds, subject, however, to the deductions bonds for moneys State has received. specified in the act relating to said bonds, passed seventeenth February, eighteen hundred and forty-two, and the proclamation of the Governor, reference being thereto had; which said bonds so to be given, shall be in the same form as the original bonds issued for the five million loan, so called, and made payable at the same time and in the same manner; and for the interest which shall have accrued upon the amount thus ascertained to be due up to the first day of July, in the year eighteen hundred and forty-five, the bonds of this State shall be issued and delivered to the person or persons entitled to receive the same, in the same form and payable in the same manner, as the bonds which may have been issued for the interest on the bonds specified in the first section of this act, and the bonds hereby authorized to be issued both for principal and interest shall be placed on the same footing precisely, and in every respect as the said bonds specified in the first section of this act, and the interest thereon shall be paid in the same manner.

SEC. 7. This act shall take effect and be in force from and after its passage.

An Act in Relation to the Redemption of General Fund Warrants, and Delinquent Tax Stock or Bonds.

(Approved March 1, 1845. Laws of 1845, p. 25.)

(242.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever there How State indebtedness to be called in when holder unknown. may be in the State Treasury any funds applicable to the redemption of warrants on the general fund, tax bonds or other State indebtedness, the holders whereof may be unknown to the State Treasurer, he shall cause two or more months' notice to be given in the State Paper, that such warrants, bonds, or other evidences of State indebtedness, describing them particularly by numbers, dates or otherwise, will be redeemed on presentation at the State Treasury in specie or its equivalent, and interest on such warrants, bonds, or other indebtedness, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of such notice.

(243.) SEC. 2. Whenever the State Treasurer, in pursuance How interest computed thereon. of the provisions of the foregoing section, may call in any of the outstanding tax bonds or stocks past due, bearing interest annually or semi-annually, there shall be allowed interest

thereon to the time of redemption of the principal, if presented for payment within two months from the date of the publication of the notice that such bonds or stocks would be redeemed; if presented after two months from the date of such publication, then interest shall be allowed to the termination of said two months, and no longer.

SEC. 3. This shall be in force from and after its passage.

An Act to Provide for the Payment of Interest on the Liquidated Portion of the Five Million Loan.

[Approved January 27, 1848. Laws of 1848, p. 19.]

State Treasurer
to pay up and
cancel certain
coupons on full
paid bonds.

(244.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer is hereby authorized, from time to time, and as often as they semi-annually become due, to pay up and cancel the coupons upon the full paid five million loan bonds, and the interest on the bonds heretofore issued for unpaid interest on said loan bonds up to July 1, 1845, outstanding and falling due in January and July, annually, out of any moneys in the Treasury, to the credit of the general fund, and not otherwise appropriated, whenever, in his opinion, such payments can be made without impairing the ability of said fund to promptly meet its just indebtedness and accruing liabilities.

To reimburse
general fund for
such payments.

(245.) SEC. 2. To reimburse the said general fund for all payments made therefrom by the State Treasurer, in accordance with the provisions contained in the first section of this act, the said Treasurer is hereby authorized and required to transfer and place to the credit of said fund a sum equal to the aggregate of all such payments, out of the first moneys coming into the Treasury as the proceeds of the extra State tax authorized to be raised for the payment of the coupons upon said full paid bonds, by the "Act to liquidate the public debt and to provide for the payment of interest thereon, and for other purposes," approved March 8, 1843: *Provided,* That in estimating any deficiency under the provisions of the act in this section referred to, for the purpose of levying an extra State tax to meet such deficiency, the Auditor General is hereby directed to estimate such deficiency without deducting therefrom any payment that may have been made under the provisions of this act from the general fund.

Deficiency, how
estimated.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to Provide for Funding the Outstanding Internal Improvement Warrants of this State, and the Interest due thereon, and also for Liquidating and Funding the Amount of Principal and Interest actually due upon the part paid Five Million Loan Bonds.

[Approved April 1, 1848. *Laws of 1848*, p. 228.]

(246.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the surrender of any outstanding warrants on the Internal Improvement Fund, at the State Treasury, the holder thereof shall be entitled to receive from the Governor of this State, certificates of stock or bonds for the amount due on said warrants, with the interest computed up to the first day of January next.

Bonds to be issued on surrender of Internal Improvement Warrants.

(247.) SEC. 2. The stock provided for in the first section of this act, shall be issued in bonds of fifty, one hundred, two hundred, five hundred, and one thousand dollars, at the option of the party surrendering the warrants therefor; said bonds shall be drawn payable, principal and interest, at the State Treasury; they shall be made payable and redeemable on the first day of January, eighteen hundred and seventy, and shall bear interest at the rate of six per cent. per annum, from the first day of January, eighteen hundred and forty-nine, payable semi-annually on the first day of July and January thereafter, until the maturity of said bonds, or the redemption of the principal: *Provided*, That the Legislature may, at any time after the first day of January, eighteen hundred and fifty, determine by law that said bonds, or any portion thereof, designating the same by their respective amounts, dates and numbers, shall be redeemable forthwith, or at any definite period prior to the first day of January, eighteen hundred and seventy.

Denomination of bonds; when payable.

(248.) SEC. 3. Whenever there shall be in the State Treasury any funds applicable to the redemption of said bonds, and set apart for that purpose by the Legislature, under the provisions of the preceding section, the State Treasurer shall cause a notice to be given in the State paper, for eight weeks successively, that the bonds (describing them particularly by amounts, dates and numbers), designated by the act of the Legislature last aforesaid, will be redeemed on presentation at the State Treasury, in specie or its equivalent; and interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice.

When State Treasurer to give notice for redemption of bonds.

Warrants to be
cancelled.

(249.) SEC. 4. Upon the surrender of any of said warrants, under the provision of the first section of this act, the State Treasurer shall cancel the same, and the fact of such cancellation, together with the amount of the new bonds to be issued for each parcel so cancelled, shall be certified to the Governor by the State Treasurer and Auditor General, and for such fractional sums less than fifty dollars, as may be found due on any parcel of warrants so surrendered, the Auditor General shall draw a warrant on the Internal Improvement Fund.

Bonds receivable
in payment for
State lands.

(250.) SEC. 5. All the bonds issued under the preceding sections of this act, and the coupons of the same as they severally became due, shall be receivable for any of the following lands, not reserved from sale or otherwise appropriated, viz.: internal improvement lands, State building lands, asset lands, (o) salt spring lands, and for university lands, to the amount now authorized by law to be received in Internal Improvement Warrants for the said university lands: *Provided*, That upon the reception and payment of any such bonds, the coupons not due shall remain attached thereto, or the amount of any coupon not due which shall be detached therefrom shall be deducted from the principal of any such bond or bonds.

Treasurer to pay
up and cancel
coupons for in-
terest.

(251.) SEC. 6. The State Treasurer is hereby authorized to pay up and cancel the coupons falling due in January and July annually upon the bonds, by the preceding sections of this act authorized to be issued, from any moneys to the credit of the general fund, subject, however, to the same conditions and restrictions as those contained in the act to provide for the payment of interest on the liquidated portion of the five million loan, approved January twenty-ninth, eighteen hundred and forty-eight.

Duties of Auditor
General in pro-
viding for pay-
ment of interest.

(252.) SEC. 7. It shall be the duty of the Auditor General, at the time of estimating any deficiency in the appropriate funds to meet the interest falling due and payable under the provisions of the act to liquidate the public debt, and to provide for the payment of the interest thereon, approved March eighth, eighteen hundred and forty-three, to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding bonds authorized to be issued under the provision of this act, and also to add to such defi-

ciency the amount of coupons and interest then due and unpaid upon all the outstanding stock or bonds authorized to be issued under the provisions of the acts as follows, to wit: "An ^{Laws of 1837, p. 310.} act to provide for the relief of the Palmyra and Jacksonburg Railroad Company," approved June twenty-two, eighteen hundred and thirty-seven, and "An act to provide for the relief ^{Laws of 1838, p. 66.} of the Detroit and Pontiac Railroad Company," approved March fifth, eighteen hundred and thirty-eight, without deducting therefrom any sums that may have been paid on account of said coupons and interest, as mentioned in the preceding section, out of the general fund;

And WHEREAS, the holders of the part paid five million loan bonds, being the outstanding portion of the three million eight hundred and thirteen thousand dollars of the five million loan, and other bonds delivered to the United States Bank, and Morris Canal and Banking Company, and referred to in the preamble to the sixth section of the act approved March eight, eighteen hundred and forty-three, above referred to, have not surrendered up the same for adjustment, under the said act of eighteen hundred and forty-three;

And WHEREAS, doubts are entertained as to the power of surrendering under said act, a part only of said bonds, and as the Legislature, by "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March twenty-eight, eighteen hundred and ^{Laws of 1846, p. 37.} forty-six, did reduce the rate of damages claimed from twenty-five per cent. to three per cent. on the unpaid portion of said bonds, and did determine the precise amount recognized to be due upon said bonds respectively; Now, therefore, for the purpose of a full and final adjustment and funding of the same:

(253.) SEC. 8. *Be it further enacted*, That upon the surrender at the Treasury of this State of any of the said part paid five million loan bonds still outstanding, the holder of the same ^{When bonds to be issued for part paid five million loan bonds.} shall be entitled to receive from the Governor of this State certificates of stock or bonds at the rate of four hundred and three dollars and eighty-eight cents on each one thousand dollars of said bonds, for principal and interest due thereon the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent. per annum, on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds, to be computed up to the first day of January next after the surrender thereof: *Provided*, The coupons since July, eighteen hundred and forty-

one, shall remain attached thereto: *Provided further*, that in case any of the coupons falling due on any of the said bonds between the first day of July, eighteen hundred and forty-one, and the maturity of the bond or bonds, shall not be delivered to the State Treasurer with the bonds to which they belonged, there shall be deducted from the amount authorized to be issued in new bonds under the preceding section, the sum of nine dollars and eighty cents for each coupon removed from a bond of one thousand dollars, and twenty-seven dollars and twenty-four cents for each coupon removed from a bond of three thousand dollars.

Denomination of
bonds; when
payable, etc.

(254.) SEC. 9. The stock to be issued under the provisions of the preceding section, may be issued in bonds of one thousand dollars, as far as practicable; said new bonds shall be drawn payable, principal and interest, at such place in New York City as the Governor shall designate; they shall be made redeemable respectively at the time fixed for the maturity of the original part paid bond, upon the surrender of which they are issued, or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds or a portion of them (describing them by amounts, dates and numbers) will be redeemed where payable; and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice; said bonds shall bear an interest of six per cent. per annum, from the first day of January next after the surrender of said part paid bonds, and be payable semi-annually, on the first days of July and January thereafter, until the maturity of said bonds, or the redemption of the principal. (p)

Cancelment of old
bonds.

(255.) SEC. 10. Upon the surrender of any such original part paid bond, under the provisions of the two last preceding sections of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of new bonds to be issued therefor, shall be certified to the Governor by the said Treasurer and Auditor General.

(p) As amended by "An Act to amend Section Nine of an act entitled, 'An Act to Provide for Funding the outstanding Internal Improvement Warrants of this State, and the Interest due thereon; and also for Liquidating and Funding the amount of Principal and Interest actually due upon the part paid Five Million Loan Bonds,' approved April first, eighteen hundred and forty-eight." Approved Feb. 14, 1863. Laws of 1863, p. 127.

(256.) SEC. 11. All bonds to be issued under the provisions of this act shall be issued in the usual form, under the great seal of the State, signed by the Governor, and countersigned by the Secretary of the State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer, distinct from all other class of State indebtedness, in a book to be provided for that purpose.

Form and requirements of bonds.

(257.) SEC. 12. The holders of said bonds shall be entitled to demand and receive from the United States Bank, and Morris Canal and Banking Company, in sums proportionate to the amounts of their respective bonds, whatever may be due from the said United States Bank, and Morris Canal and Banking Company, or either of them, to this State, growing out of the negotiation with said institutions, or either of them, of the five million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this State of its indebtedness upon the said five million loan bonds beyond the amount heretofore acknowledged by this State to have been received upon said bonds. A clause embodying the substance of this section shall be inserted in the bonds to be issued under the provisions of section eight of this act.

Holders of said bonds to be entitled to claim of State on United States Bank and Morris Canal Banking Co.

SEC. 13. This act shall take effect from and after its passage.

An Act Supplemental to and Amendatory of an Act to Provide for Funding the Outstanding Internal Improvement Warrants of this State, and the Interest due thereon, and also for Liquidating and Funding the Amount of Principal and Interest actually due upon the part paid Five Million Loan Bonds.

[Approved April 3, 1848. Laws of 1848, p. 337.]

(258.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of said law be amended by inserting in the third line thereof, after the words "State lands," the words "Primary School lands." (q)

Certain section amended.

SEC. 2. This act shall take effect from and after its passage.

(q) The words "State lands" do not occur in the third line of the fifth Section, and the word "State" may perhaps be a mistake for "asset," which is found in the fifth line of that Section as originally printed.

An Act to Create a Board of Fund Commissioners, and to define their Powers and Duties.

[Approved April 3, 1848. Laws of 1848, p. 293.]

Who to constitute Board of Fund Commissioners.

(259.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer, Auditor General and Secretary of State be, and are hereby constituted a Board of Fund Commissioners.

When surplus in Treasury, Board shall invest the same in State liabilities.

(260.) SEC. 2. Whenever, after paying or reserving a sum sufficient to meet all liabilities payable from the general fund, for the current expenses of the State Government, and for the payment of interest on State indebtedness provided for by law, there shall be in the State Treasury a surplus over and above such liabilities, the board aforesaid shall have power, and it shall be their duty to invest the same as they may find for the best interest of the State, in the purchase of stock, bonds and other liabilities of this State.

Board shall advertise before purchasing, and shall not purchase at more than par value.

(261.) SEC. 3. Said board, before purchasing any such stocks, or other evidences of debt, shall cause a notice to be published by three insertions in one or more daily papers of the largest circulation in each of the cities of Detroit and New York, that proposals for the sale of stock or other evidence of debt of this State, not then past due, will be received by the Fund Commissioners at the Seat of Government, at any time prior to a day specified in said notice, and which shall be at least two weeks subsequent to the first publication of said notice in either of the cities aforesaid. No such stocks or evidences of State indebtedness shall be purchased at more than par value, and the Commissioners shall in all cases accept of the lowest bids; but preference shall be given, at the same prices, for the State indebtedness first to become due.

Accounts of Treasurer with respect to such purchases.

(262.) SEC. 4. The State Treasurer shall be charged on the books of the Auditor General with the amount of discount allowed on the purchase of the stocks, bonds, or other liabilities above mentioned; and upon cancelment of the same, shall be credited with the payment thereof at their par value.

Record of Board and Report of proceedings.

(263.) SEC. 5. The said board shall keep a record of all their proceedings, and submit a report thereof to the Legislature each year at the commencement of their annual session.

An Act to Provide for the Payment of the Bonds of this State.

[Approved April 3, 1848. Laws of 1848, p. 347.]

(264.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all existing provisions of law in regard to the payment of interest on the full paid five million loan bonds, or bonds issued for the payment of interest on the same, shall be, and are hereby made applicable to all such bonds as shall be issued on the surrender of any of the part paid five million loan bonds of the State, under an act entitled, "An act to provide for funding the outstanding Internal Improvement Warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April 1, 1848.

Joint Resolution Relative to the Surrender of certain Internal Improvement Warrants.

[Approved March 30, 1849. Laws of 1849, p. 382.]

(265.) *Resolved, by the Senate and House of Representatives of the State of Michigan,* That upon the surrender of any Internal Improvement Warrants at the State Treasury, for the purpose of being funded under act number one hundred and seventy-three, eighteen hundred and forty-eight, if said warrants shall have been drawn subsequent to the first day of January, eighteen hundred and forty-nine, and not bearing interest prior to that date, the Auditor General and State Treasurer shall compute the interest back to the said first day of January, and upon deducting said interest from the principal of said warrant or warrants, may fund the balance of said warrants, as is provided in regard to outstanding Internal Improvement Warrants drawn and bearing interest prior to said first of January.

This joint resolution shall take effect and be in force from and after its passage.

An Act to Amend an Act entitled, An Act to Provide for Funding the Outstanding Internal Improvement Warrants of this State, and also for Liquidating and Funding the Amount of Principal and Interest actually due upon the part paid Five Million Loan Bonds.

Approved April 1, 1848.

[Approved April 2, 1850. *Laws of 1850, p. 304.*]

Holdern of certain Bonds entitled to Certificates.

(266.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That, upon the surrender at the Treasury of the State, of any of the said part paid five million loan bonds still outstanding, in payment of any demand due the State for which said part paid bonds are now by law receivable in payment, the holder of the same shall be entitled to receive from the Governor of this State certificates specifying the number of bonds so surrendered, with the amounts payable thereon by the terms thereof, and declaring said holder, his legal representatives and assigns, entitled to demand and receive, to their own use, from the United States Bank, and Morris Canal and Banking Company, or from the trustees or other legal representatives of said institutions, in sums proportionate to the amounts of their respective bonds, whatever may be due from the said United States Bank, and Morris Canal and Banking Company, or either of them, to the State of Michigan, growing out of the negotiation with said institutions, or either of them, of the five million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this State of its indebtedness upon the said five million loan bonds beyond the amount heretofore acknowledged by this State to have been received upon said bonds; and that a clause embodying this section shall be inserted in the certificate to be issued under the provisions of this section.

Proviso.

Bondholders entitled to Certificates.

(267.) SEC. 2. That in all cases where holders of any of the said part paid five million loan bonds have, since the passage of the act hereby amended, surrendered any of said part paid bonds at the Treasury of this State in payment of any demand due to this State, and the same have been accepted in payment, such holder, upon furnishing to the Governor proof of the facts in this section mentioned, shall be entitled to receive from the Governor like certificates in all respects as mentioned in section one of this act.

Bonds receivable at the Treasury.

(268.) SEC. 3. That all bonds issued under the provisions of section eight of the act hereby amended, and the coupons as they severally become due, shall be receivable in payment at

the Treasury of this State, at the amount payable thereon by the terms thereof, in all cases where by law the part paid bonds aforesaid would be receivable in payment: *Provided*, Proviso. That when said bonds shall be paid in before the time when interest commences to run on the same, interest shall be deducted therefrom from the time of payment to the time when interest would have commenced to run on said bonds: *And Provided, also*, That all coupons not past due shall remain attached to said bonds whenever paid in.

(269.) SEC. 4. That if any of the bonds or stock issued, or to be issued, under the provisions of section eight of the act hereby amended, shall, at any time hereafter, be surrendered at the Treasury of this State, in payment, as provided in section three of this act, the holder of the same shall, upon making such surrender, be entitled to receive from the Governor of this State like certificates in all respects as is provided for in the first section of this act. Holders of certain Bonds entitled to Certificates.

(270.) SEC. 5. All certificates to be issued under the provisions of this act, shall be issued under the great seal of the State, signed by the Governor, and countersigned by the Secretary of State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer in a book to be provided for that purpose. Certificates, how issued and registered.

SEC. 6. This act shall take effect from and after its passage.

An Act to Provide for an Early Redemption of Internal Improvement Warrant Bonds.

[Approved June 28, 1851. Laws of 1851, p. 314.]

(271.) SECTION 1. *The People of the State of Michigan enact*, Certificates of Stock and Bonds; when redeemed. In pursuance of the proviso to section two of an act to provide for funding the outstanding Internal Improvement Warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds, approved April 1, 1848, that all certificates of stock and bonds heretofore issued, as provided for in the first section of above recited act, shall be redeemable forthwith, or at any definite period prior to the first day of January, 1870, at the option of the State. And any such bonds which may have been issued, redeemable upon notice, shall be redeemable as provided in such bonds; and whenever the Auditor General shall cause a notice to be given

in a daily paper published in the City of Detroit, to be published for eight weeks in succession, that the said certificates of stock or bonds, or a portion of them (describing them by dates, amounts and numbers), will be redeemed when payable, all interest on any such certificates or bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice: *Provided*, That the first bonds issued under the provisions of the first section of said above recited act, shall be the first called in by notice as above provided.

SEC. 2. This act shall take effect immediately.

An Act Relative to the Disposition of the Surplus Funds in the State Treasury.

[Approved Feb. 12, 1855. Laws of 1855, p. 238.]

Treasurer to
purchase State
Bonds.

(272.) SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer be, and he is hereby authorized and instructed to purchase on behalf of the State, out of any moneys in the State Treasury not otherwise appropriated, or required to meet the ordinary and current expenses and disbursements already provided for by law, so much of the present outstanding indebtedness of the State as he may be enabled to do, and at such rates as he may deem for the best interests of the State, not exceeding, however, the current market rates of said bonds or indebtedness.

Holders of cer-
tain Bonds to
present them in
six months.

(273.) SEC. 2. All holders of that class of State Bonds for which new bonds are directed to be issued, by section eight of act numbered 173 of the Session Laws for the year 1848, entitled, "An Act to provide for the funding the outstanding Internal Improvement Warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," are hereby required, within six months from and after the passage of this act, to present any bonds of this State held by them, at the State Treasurer's office, for the purpose of having the amount due thereon accurately ascertained, and new bonds issued therefor according to the provisions of said act; and in case they fail so to present said bonds within the time herein prescribed, no interest shall be allowed on said bonds, to the holder or holders thereof, after that time, so that the same may not be in any manner incorporated into said new bond so to be issued, as a part of the

If not presented,
interest to cease.

principal sum thereof; and the State Treasurer is hereby authorized to give all reasonable and proper notice of the provisions of this act, so as best to secure the object hereby contemplated.

Notice to be given by State Treasurer.

(274.) SEC. 3. The State Treasurer is hereby further instructed to require of any bank, before he shall have made it a depository of surplus funds belonging to the State, good and ample security, to be approved by the said State Treasurer, the Auditor General, and the Secretary of State, for the safe keeping and reimbursement of such surplus funds whenever called for, and the payment of interest thereon at the rate of not less than five per cent. per annum.

State Treasurer to require security of Banks before depositing with them; Interest on deposits.

(275.) SEC. 4. Nothing herein contained shall be held or considered as in any manner changing or affecting the liability of the State Treasurer, or his bail, on his or their bond to the State.

Liability of Treasurer, and bail, not to be affected.

(276.) SEC. 5. An act entitled, "An act relative to surplus funds in the State Treasury," approved February 9th, 1853, and an act entitled, "An act supplementary to an act entitled an act relative to surplus funds in the State Treasury, being House Bill of present session number seventy-three," approved February 12, 1853, be, and the same are hereby repealed.

Acts repealed. 1853, p. 71. 1853, p. 88.

OF THE CHARGE AND DISPOSITION OF CERTAIN STATE ASSETS.

An Act to Provide for the Collection of certain Assets Transferred to the State, and for other purposes.

[Approved Feb. 17, 1842. Laws of 1842, p. 110.]

(277.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the Auditor General, State Treasurer and Secretary of State, for the time being, be, and the same are hereby constituted Trustees, in behalf of the State, to take charge of the assets assigned to the State by the Michigan State Bank, and of such other assets or property as may have been, or shall hereafter be conveyed to the State in payment of other debts, or become the property of the State, as collateral security, securities, or otherwise.*

Auditor General, State Treasurer, and Secretary of State, Trustees of certain assets.

See Laws of 1845 p. 118.

SEC. 2. (r)

(r) Relates to agreement for Settlement with Michigan State Bank.

Powers to extend
time for pay-
ment.

To lease, sell or
convey.

Provided.

Sums collected to
go into State
Treasury.

(278.) SEC. 3. Said Trustees shall have power, upon receiving satisfactory security, to extend the time for the payment and settlement of any of the assignments, assets, debts or securities aforesaid, or to compromise in such a manner and on such terms, as in their judgment will be for the best interests of the State; and shall also have power to lease, sell or convey any assets or property assigned to the State as aforesaid: *Provided*, that the said Trustees shall do no act which shall release the Michigan State Bank, its Directors or Stockholders, from their liability to the State, for any balance which, after realizing the amount of money which may be collected from the property or other assets assigned to the State by said Bank, may still be found due from said institution, its Directors and Stockholders.

(279.) SEC. 4. Any sum or sums of money, which may be collected by said Trustees, under the provisions of this act, shall be immediately paid into the Treasury, and used for the redemption of State scrip.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act Concerning the Estate of Intestates Escheated to this State.

[Approved May 18, 1846. Laws of 1846, p. 273.]

Same Trustees to
take charge and
dispose of es-
cheated prop-
erty.

Sec. 277.

(280.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Trustees appointed under the "Act to provide for the collection of certain assets transferred to the State, and for other purposes," approved February 17, 1842, shall take charge of all lands or other property which may have escheated, or which may hereafter escheat to the State, by reason of the owner thereof dying intestate and leaving no legal heirs thereto, according to the statutes in such case made and provided; and the said Trustees may sell or otherwise dispose of the said lands or property, in such manner as they may deem for the best interests of the State, and they shall have power to convey, by deed to the purchaser thereof, all the rights of the State therein; and they shall deposit all proceeds arising therefrom in the State Treasury, to the credit of the general fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

From Chapter Twelve of Revised Statutes of 1846.

OFFICIAL OATHS AND BONDS OF STATE OFFICERS.

(281.) SEC. 36. The State officers named in this chapter, the Lieutenant Governor, acting Commissioner of Internal Improvements, deputy Secretary of State, deputy Auditor General, deputy Treasurer, and Secretary of the Board of Internal Improvements, shall each, before entering on the execution of his office, and within twenty days after receiving official notice of his election or appointment, or within twenty days after the commencement of the term of service for which he was elected or appointed, take and subscribe the oath of office prescribed in the twelfth article of the Constitution of this State, and deposit the same with his bond, in case a bond be required of him by law, with the Secretary of State, who shall file and preserve the same in his office.

(282.) SEC. 37. Such oath may be taken and subscribed before any Justice of the Supreme Court, a Judge of any Court of Record, the Secretary of State, the Attorney General, any Mayor of a city, or the Clerk of any Court of Record.

(283.) SEC. 38. If either of said officers shall neglect to deposit his oath or bond, according to the provisions of section thirty-six of this chapter, and shall neglect to give the notice specified in the next section, or if he shall enter upon the execution of his office before he shall have so deposited his said oath or bond, he shall, in either case, forfeit and pay to the people of this State one hundred and fifty dollars.

(284.) SEC. 39. No penalty shall attach on account of any neglect to deposit such oath or bond as aforesaid, in case such officer, before entering upon the execution of his office, and within the time limited for filing such oath or bond, shall give notice in writing to the officer or officers having the power by law to order an election to fill such office, or to fill the same by appointment, or, in case of an appointment by the Governor, by and with the advice and consent of the Senate, to the Governor, stating therein that he declines accepting such office.

An Act Relative to the Filing of Oaths of Office, and Bonds of Civil Officers, etc.

[Approved April 1, 1848. Took effect May 31, 1848. Laws of 1848, p. 218.]

Certificate of
filing certain
oaths and bonds
to be filed with
Secretary of
State.

(285.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any civil officer appointed by the Governor or Senate, or by the Governor, with the advice and consent of the Senate of this State, is required by law to give bond and to file the same with any other officer than the Secretary of State, he shall procure the certificate of such officer that such bond has been duly filed with him, and file the same with the Secretary of State.

Where bond to be
filed when no
other provision is
made.

(286.) SEC. 2. When any such officer is required by law to give bond for the faithful performance of the duties of his office, and no provision is made by law for filing the same with any particular officer, such bond shall be filed with the Secretary of State.

Time for filing
oath and bond.

(287.) SEC. 3. Every such officer, except when otherwise directed by law, shall file his oath of office and certificate or bond aforesaid, as the case may be, within sixty days from the receiving of his commission or appointment; and in default thereof, such commission or appointment shall be null and void: *Provided*, That officers appointed in and for the counties of Mackinaw, Chippewa, Schoolcraft, Houghton, Ontonagon and Marquette, shall file their oaths, certificates and bonds, provided as herein, within ninety days from their appointment or commission.

From Chapter Twelve of Revised Statutes of 1846.

ANNUAL REPORTS OF STATE OFFICERS.

Annual Reports
to be printed.

(288.) SEC. 40. It shall be the duty of the several officers and boards of officers of this State, from whom annual reports are required by law to be made to the Legislature, to cause their respective reports to be placed in the hands of the Printer of the Laws of this State, *or of such Printer as the Secretary of State shall employ, (s)* as soon as practicable after the close of the fiscal year; and such report shall be printed, and ready to be submitted to the Legislature immediately upon the permanent organization of the two houses.

1839, 116, 117.

(s) See Section Twenty-Two, Article 4, of Constitution.

(289.) SEC. 41. It shall be the duty of each of said officers to examine and correct the proof sheets, and superintend the publication of his report; and each of said boards shall appoint one of its members, or some other suitable person, who shall superintend the publication of its report.

Proof sheets by whom to be examined and corrected.

(290.) SEC. 42. Of each of the said reports of the Treasurer, the Auditor General, and the Board of Internal Improvements, two hundred copies shall be printed and furnished to the Senate, and three hundred copies to the House of Representatives; of the report of the Superintendent of Public Instruction, four hundred copies shall be printed and furnished to the Senate, and six hundred copies to the House of Representatives; and one hundred copies for the use of the Regents of the University; and one of each of said reports of the several other State officers required to make such reports, one hundred copies shall be printed and furnished to the Senate, and one hundred and fifty copies to the House of Representatives, and one hundred copies for the use of the officers making such report. (t)

Number of copies of Reports.

(291.) SEC. 43. There shall also be printed at the same time five hundred additional copies of each of said reports, which shall be preserved for binding with the other joint documents of the session of the Legislature to which they are made.

Additional copies of Reports, etc., to be printed for binding.

An Act to Provide for the Distribution of the Annual Reports of the State Officers among the Members and Officers of the Legislature.

[Approved March 31, 1848. Took effect May 30, 1848. Laws of 1848, p. 204.]

(292.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the Printer of the Laws of this State to deliver to the Secretary of the Senate and to the Clerk of the House of Representatives, on the fourth day of the session of the Legislature in each year, or as soon thereafter as possible, the number of copies of the annual reports of the several State officers, as by law each house shall be entitled to receive; and the said Printer shall take the receipt of the said Secretary and clerk for the number of copies of said report so delivered to them respectively, and shall not be entitled to receive pay for printing a greater number of said reports for the use of

Duty of State Printer.

the Legislature, than the number so delivered and receipted for by them.

Duties of Secretary of Senate and Clerk of House.

(293.) SEC. 2. That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives, to cause to be distributed equally among the members and officers of their respective houses, the reports so received and receipted for by each of them.

An Act to Provide for Publishing the Reports of the State Officers for the year eighteen hundred and fifty-one, and every second year thereafter. (u)

[Approved April 8, 1851. Laws of 1851, p. 210.]

To whom to be made; How printed and distributed.

(294.) SECTION 1. *The People of the State of Michigan enact,* That the reports of all State officers or boards of officers, from whom annual reports are required by law to be made to the Legislature, shall, for the year eighteen hundred and fifty-one, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the use of the library thereof; also, one copy of each for each County Clerk and County Treasurer, and ten copies of such reports to each city, for the use of the city library; and also, one hundred and fifty copies of each, which shall be placed in the State library. In addition to the above, to furnish one copy of the annual report of the Superintendent of Public Instruction to each school district in the State, which shall be deposited in the library of said district, or kept by the director thereof, for the use of said district; and five hundred copies of each, which shall be preserved for binding in the joint documents of the next succeeding Legislature, and one hundred copies for the use of officers making such reports.

Distribution of Reports.

(295.) SEC. 2. It shall be the duty of the Secretary of State, as soon as said reports shall be printed and ready for distribution, to forward one copy of each to the Township Clerk of each organized township, which shall be deposited in the township library, one copy to each County Clerk and County

Treasurer; also ten copies of each to each City Clerk for the use of the city library; five hundred copies shall be placed in the State library, and the remaining five hundred copies shall be retained by him, and be bound in the joint documents of the next Legislature.

CHAPTER VIII.

OF COMMISSIONERS OF DEEDS IN OTHER STATES.

SECTION

296. Commissioners may be appointed to take acknowledgments, etc., out of State.

297. Authority of.

SECTION

298. Official Oath.

299. Act for Appointment continued.

An Act to Authorize the Appointment of Commissioners to take Acknowledgement of Deeds and Instruments of Writing under Seal out of the State. (a)

[Approved March 19, 1845. Took effect April 18, 1845. Laws of 1845, p. 69.]

(296.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Governor be hereby authorized to name, appoint, and commission one or more Commissioners in each, or such of the other States and Territories of the United States, or in the District of Columbia, as he may deem expedient; which Commissioners shall continue in office during the pleasure of the Governor. and shall have authority to take acknowledgment and proof of the execution of any deed, mortgage, or other conveyance of any land, tenements, or hereditaments lying and being in this State, any contract, letter of attorney, or any other writing under seal, to be used and recorded in this State; and such acknowledgment or proof taken or made in the manner directed by the laws of this State, and certified by any one of said

Commissioners to take acknowledgment, etc., out of the State.

(a) This Act was repealed by Chapter One Hundred and Seventy Three of the Revised Statutes of 1846, but revived and continued in force by the act next following.

Commissioners, before whom the same shall be taken or made, under his seal, which certificate shall be endorsed on said deed or instrument aforesaid, shall have the same force and effect, and be as good and valid in law for all purposes, as if the same had been taken or made before any officer authorized to take such acknowledgment residing in this State.

Authority of.

(297.) SEC. 2. Every Commissioner appointed by virtue of this act, shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such Commissioner, shall, and is hereby declared to be as good and effectual, to all intents and purposes, as if taken by any officer authorized to administer oaths, resident in this State: *Provided*, that wilful and false swearing in taking any such oath or affirmation, would, by the laws of the State wherein the same shall be made, be deemed perjury.

Official oath.

(298.) SEC. 3. Every Commissioner appointed as aforesaid, before he shall proceed to perform any duty under, and by virtue of this law, shall take and subscribe an oath or affirmation before a Justice of the Peace, in the city or county in which such Commissioner shall reside, well and faithfully to execute and perform all the duties of such Commissioner, under and by virtue of the laws of this State; which oath or affirmation shall be filed in the office of the Secretary of State of this State.

An Act to Continue in Force "An Act to Authorize the Appointment of Commissioners to take the Acknowledgement of Deeds and Instruments of Writing under Seal out of the State."

[Approved March 15, 1847. *Laws of 1847*, p. 57.]

Act for appointment of, continued.

(299.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled, "An act to authorize the appointment of Commissioners to take the acknowledgment of deeds and instruments of writing under seal out of the State," approved March nineteenth, one thousand eight hundred and forty-five, be, and the same is hereby revived and continued in full force and effect, any law to the contrary notwithstanding; and the several commissions issued under said law be revived and continued in force, and the official acts of such Commissioners shall be as good and valid as if the act aforesaid had not been repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER IX.

OF COUNTIES.

SECTION

- 300. Boundaries of Counties.
- 301. Rights, powers, etc., of Counties.
- 302. For what purposes Counties bodies corporate.
- 303. Conveyances for the benefit of Counties, their force and effect.
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- 306. Civil process from.
- 307. Common Jurisdiction of Wayne, Macomb, and St. Clair.
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- 310. Civil process from.
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- 325. Suits between Counties, etc.
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- 332. Board of Supervisors to appoint Agents to preempt Land for Seat of Justice.
- 333. Appointment to be recorded; Treasurers to pay Agents price of Land.
- 334. Board may borrow money for the purchase.

Chapter Thirteen of Revised Statutes of 1846.

(300.) SECTION 1. The boundaries of the several counties in this State shall remain as now established, unless the same shall hereafter be changed by the Legislature.

Boundaries of
Counties.

Rights, powers,
etc., of Counties.

(301.) SEC. 2. All the rights, powers, duties, privileges and immunities of the several counties shall remain as now established, until the same shall be altered by law.

For what purposes Counties
bodies corporate.

(302.) SEC. 3. Each organized county shall be a body politic and corporate, for the following purposes, that is to say: to sue and be sued; to purchase and hold real and personal estate for the use of the county; to borrow money for the purpose of erecting and repairing county buildings, and for the building of bridges; to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

Conveyances for
the benefit of
Counties, their
force and effect.

(303.) SEC. 4. All real and personal estate, heretofore conveyed by any form of conveyance to the inhabitants of any county, or to the County Treasurer, or the Governor of the late Territory of Michigan, or to any committee, trustees, or other persons, for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

How Real Estate
of County may be
conveyed.

(304.) SEC. 5. The Board of Supervisors of each county, or other public officers having the charge and management of the county lands, may, by their order of record, appoint one or more agents to sell any real estate of their county not donated for any special purpose, and all deeds made on behalf of such county, by such agents, under their proper hands and seals, and duly acknowledged by them, shall be sufficient to convey all the right, title, interest and estate which the county may then have in and to the land so conveyed.

COMMON JURISDICTION OF CERTAIN COUNTIES.

Common jurisdiction
of Wayne
and Monroe.

(305.) SEC. 6. The counties of Wayne and Monroe shall have jurisdiction, in common, of all offences committed on that part of Lake Erie which lies within the limits of this State; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, and in like manner, and to the same effect, as if such offence had been committed in any other part of either of said counties.

Civil process
from.

(306.) SEC. 7. All civil process from either of the counties of Wayne or Monroe, may run into, and be executed within

and upon that part of Lake Erie which lies within the limits of this State.

(307.) SEC. 8. The counties of Wayne, Macomb and St. Clair, shall have jurisdiction, in common, of all offences committed on that part of Lake St. Clair which lies within the limits of this State; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offence had been committed in any part of either of said counties.

(308.) SEC. 9. All civil process from either of the counties of Wayne, Macomb or St. Clair, may run into, and be executed within and upon that part of Lake St. Clair which lies within the limits of this State.

(309.) SEC. 10. The counties of Berrien, Van Buren, Allegan, Ottawa and Mackinaw, and such other counties as shall hereafter be organized upon the easterly shore of Lake Michigan, shall have jurisdiction, in common, of all offences committed on that part of Lake Michigan which lies within the limits of this State; and such offences may be heard and tried in either of said counties, in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offence had been committed in any part of either of said counties.

(310.) SEC. 11. All civil process from either of the counties of Berrien, Van Buren, Allegan, Ottawa or Mackinaw, or from any such other counties as shall hereafter be organized upon the easterly shore of Lake Michigan, may run into, and be executed within and upon that part of Lake Michigan which lies within the limits of this State.

(311.) SEC. 12. The counties of Saginaw, Mackinaw and St. Clair, and such other counties as may hereafter be organized upon the shore of Lake Huron, shall have jurisdiction, in common, of all offences committed on that part of Lake Huron which lies within the limits of this State; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offence had been committed in any part of either of said counties.

(312.) SEC. 13. All civil process from either of the counties of Saginaw, Mackinaw, or St. Clair, or from such other counties as may hereafter be organized upon the shore of Lake Huron,

may run into, and be executed within and upon that part of Lake Huron which lies within the limits of this State.

Chippewa, etc.

(313.) SEC. 14. The county of Chippewa, and such other counties as may hereafter be organized upon the shore of Lake Superior, shall have jurisdiction, in common, of all offences committed on that part of Lake Superior which lies within the limits of this State; and such offences may be heard and tried in either of such counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offence had been committed in any part of either of said counties.

Civil process from.

(314.) SEC. 15. All civil process from the county of Chippewa, or from such other counties as may hereafter be organized upon the shore of Lake Superior, may run into, and be executed within and upon that part of Lake Superior which lies within the limits of this State.

COUNTY BUILDINGS.

Each County to provide suitable buildings.

(315.) SEC. 16. Each organized county shall, at its own proper expense, provide a suitable court house, and a suitable and sufficient jail, and fire-proof offices, and all other necessary public buildings, and keep the same in good repair.

Prison limits.

(316.) SEC. 17. The prison limits of each county shall extend to all places within the boundaries of the county.

When County shall reimburse Sheriff, etc.

(317.) SEC. 18. In case of the escape of any prisoner, by reason of the insufficiency of the jail, whereby the Sheriff, or other officer performing the duties of Sheriff, shall be made liable to any party at whose suit such prisoner was committed, the county shall reimburse and pay all sums of money recovered of the Sheriff, or such other officer, by such party, by reason of such escape.

UNORGANIZED COUNTIES.

Certain districts annexed, to be deemed part of County.

(318.) SEC. 19. Unorganized counties and other districts, annexed, or hereafter to be annexed to any organized county for judicial purposes, shall, for every purpose, be deemed to be within the limits of the county to which they are, or may be so annexed.

DIVISION OF COUNTIES, ETC.

(319.) SEC. 20. When a county seized of lands shall be divided into two or more counties, or shall be altered in its limits, by annexing a part of its territory to any other county or counties, each county shall become seized to its own use, of such part of said lands as shall be included within its limits, as settled by such division or alteration.

Lands of Counties on division.

(320.) SEC. 21. When a county possessed of, or entitled to money, rights, credits, things in action, or personal property, shall be so divided or altered, or when any unorganized county or district annexed to any county for judicial purposes, shall be organized into a separate county, such money, rights, credits, things in action, or personal property, shall be adjusted and apportioned, and a settlement thereof made between the counties interested therein by the Supervisors thereof, as to them or a majority of them shall appear to be just and equitable.

Property, how apportioned on division.

(321.) SEC. 22. The Supervisors aforesaid shall meet for the purpose of such settlement, at such time as shall be prescribed by the law making such division or alteration; or, if no time is prescribed by such law, at such time as the Board of Supervisors of either of the counties interested shall appoint, at the office of the Treasurer of the county retaining the original name of the county so divided or altered.

Supervisors to meet for settlement.

(322.) SEC. 23. Debts owing by a county so divided or altered, shall be apportioned in the manner prescribed in section twenty-one of this chapter, and each county shall thereafter be charged therewith, according to such equitable apportionment.

Debts to be apportioned.

(323.) SEC. 24. In case of the division or alteration of a county as aforesaid, if the Supervisors cannot agree upon a settlement, as provided in this chapter, the Supervisors of either of the counties interested may apply to the Circuit Court for any adjoining county, for the appointment of five judicious men residing within a county not interested, to be Commissioners for the purpose of settling and determining the matters aforesaid between such counties; and upon such application, such Circuit Court shall appoint such Commissioners for the purpose aforesaid.

A Commissioners to be appointed if a Supervisors cannot agree.

(324.) SEC. 25. Such Commissioners shall meet at such time as they may appoint, and after being duly sworn faithfully and impartially to perform their duties as such Commissioners,

Commissioners to meet and make determination.

shall proceed to examine into the merits of the matters aforesaid, and shall make such determination in relation thereto as to them, or a majority of them, shall appear to be just and equitable; which determination shall be entered at length by the clerks of the respective counties so interested as aforesaid, upon the journals of the Board of Supervisors thereof, and shall be final and conclusive between such parties.

OF LEGAL PROCEEDINGS IN FAVOR OF AND AGAINST COUNTIES.

Suits between
Counties, etc.

(325.) SEC. 26. Whenever any controversy or cause of action shall exist, between any of the counties of this State, or between any county and an individual or individuals, such proceedings shall be had either in law or equity, for the purpose of trying and finally settling such controversy, and the same shall be conducted in like manner, and the judgment or decree therein shall have the like effect, as in other suits or proceedings between individuals and corporations.

How Counties to
sue and be sued.

(326.) SEC. 27. In all such suits and proceedings, the name in which the county shall sue or be sued, shall be, "*The Board of Supervisors of the county of* _____;" [the name of the county] except in cases where *other* county officers shall be authorized by law to sue in their name of office, for the benefit of the county. (a)

Process in pro-
ceedings against
Counties on
whom to be
served; Duty of
chairman, etc.

(327.) SEC. 28. In all legal proceedings (b) against the Board of Supervisors, the process shall be served on the chairman or clerk of the board; and whenever any suit or proceeding shall be commenced, it shall be the duty of such chairman or clerk to notify the Prosecuting Attorney thereof, and to lay before the Board of Supervisors, at their next meeting, all the information he may have in regard to such suit or proceeding.

Who competent
Witnesses and
Jurors.

(328.) SEC. 29. On the trial of every action in which a county shall be interested, the electors and inhabitants of such county shall be competent witnesses and jurors.

What actions
may be prosec-
uted before a Jus-
tice.

(329.) SEC. 30. Any action in favor of a county, which, if prosecuted by an individual, could be prosecuted before a Justice of the Peace, may be prosecuted by such county in like manner, before any such Justice.

(a) See Section One, Article Ten, of the Constitution, which provides that "All suits and proceedings by, or against a county, shall be in the name thereof."

(b) See last note.

(330.) SEC. 31. In all suits and proceedings prosecuted by Costs. or against counties, or by or against county officers in their name of office, costs shall be recoverable as in like cases against individuals.

(331.) SEC. 32. When judgment shall be recovered against Proceedings to collect judgment against Board of Supervisors, etc. the Board of Supervisors (c) or against any county officer in an action prosecuted by or against him in his name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other county charges, and when so collected, shall be paid by the County Treasurer to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor.

PREEMPTION OF LAND FOR SEAT OF JUSTICE

An Act to Enable the Several Counties of this State to Locate by Preemption Certain Public Lands.

[Approved July 25, 1836. Laws of 1836, p. 64.]

(332.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Board of Board of Supervisors to appoint Agent to pre-empt land for Seat of Justice. Supervisors of each and every county in this State, now organized or hereafter to be organized, be, and they are hereby authorized and required to appoint in writing, under their hands and seals, the County Treasurer, or some other fit and proper person, to locate for the use of said county, one quarter section of land in accordance with an act of Congress passed May twenty-sixth, one thousand eight hundred and twenty-four, entitled, "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of pre-emption to quarter sections of land for Seats of Justice within the same."

(333.) SEC. 2. That it shall be the duty of the Register of Appointment to be recorded. Deeds in each and every county to record without fee the written appointment so made as aforesaid, whenever the same shall be for that purpose presented to him at his office, and that said written appointment, when so recorded as aforesaid, shall be a sufficient requisition upon the County Treasurer for Treasurer to pay Agent price of land. the person so appointed to demand and receive from the Treasurer thereof a sum equal in amount to the minimum price

(c) See note (a).

for which one quarter section of public lands of the United States are sold.

Board may loan money for the purchase.

(334.) SEC. 3. The Board of Supervisors of each and every of said counties be, and they are hereby authorized to loan, on the credit of their county, the sum of two hundred dollars for the purchase of lands, agreeably to the provisions of the first section of this act.

CHAPTER X.

OF COUNTY OFFICERS.

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BOARDS OF SUPERVISORS.

An Act to Define the Powers and Duties of the Boards of Supervisors of the Several Counties, and to confer upon them certain Local, Administrative and Legislative Powers.

[Approved and took effect April 8, 1851. Laws of 1851, p. 231.]

Annual and
Special Meetings.

(335.) SECTION 1. *The People of the State of Michigan enact,* That the Supervisors of the several townships and cities in each of the counties in this State, shall meet annually in their respective counties, for the transaction of business as a Board of Supervisors; they may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. The annual meetings of the Board of Supervisors shall be held on the second Monday of October in each year, at the court house in their respective counties, if there be one, and if there be none, then at some place at the county seat, if there be one, and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which such clerk shall give three weeks' public notice by publishing the same in some newspaper printed in said county, if any, and if none, then in the paper nearest thereto.

City Supervisors.

(336.) SEC. 2. The Alderman of each ward of the City of Detroit, having the shortest time to serve, shall act as Supervisor on the Board of Supervisors; the City of Monroe shall be entitled to one Supervisor for each ward, who shall be the assessor thereof respectively, and the City of Grand Rapids shall be entitled to two Supervisors.

Quorum of Board.

(337.) SEC. 3. A majority of the Supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county; and all questions which shall arise at their meetings shall be determined by the votes of a majority of the Supervisors present, except upon the final passage or

adoption of any measure or resolution, in which case a majority of all the members elect shall be necessary. They shall sit with open doors, and all persons may attend their meetings. They shall at their first meeting in each year choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present; but in case of his absence from any meeting, the members present shall choose one of their number as a temporary chairman. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board, or connected with the discharge of their duties; to issue subpoenas for witnesses, and to compel their attendance in the same manner as courts of law.

Proceedings at Meetings.

(338.) Sec. 4. The County Clerk of each county, or in his absence, his deputy, shall be the Clerk of the Board of Supervisors of such county, and shall be allowed for his services as such clerk a reasonable compensation, to be fixed by the board, and to be paid by the county. It shall be the duty of such clerk:

Clerk; his compensation and duties.

1. To record all the proceedings of such board in a book provided for that purpose.

2. To make regular entries of all their resolutions and decisions upon all questions.

3. To record the vote of each Supervisor on any question submitted to the board, if required by any member present.

4. To preserve and file all accounts acted upon by the board.

5. To certify, under the seal of the Circuit Court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board, or any member thereof, or when required by any other person, upon payment of six cents per folio therefor; and such certificate shall be *prima facie* evidence of the matters therein set forth.

6. To perform such other and further duties as such board may, by resolution, require.

(339.) SEC. 5. The books, records and accounts of the Board of Supervisors shall be deposited with their clerk, and shall be open without any charge to the examination of all persons. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, the amount so audited and allowed, and the charges for which the same was allowed.

Records to be kept by Clerk.

Board to examine
Treasurer's Ac-
count.

(340.) SEC. 6. It shall be the duty of every such Board of Supervisors, as often as once in each year, to examine the accounts of the Treasurer of their county, and to ascertain and enter upon their records a full statement of such account.

Repairs of Public
Buildings.

(341.) SEC. 7. It shall be the duty of such board, as often as shall be necessary, to cause the court house, jail, and public offices of their county to be duly repaired at the expense of such county; but the sums expended in such repairs shall not exceed five hundred dollars in any one year, unless authorized by a vote of the electors of such county, as hereinafter provided.

Cells for Convicts.

(342.) SEC. 8. They shall also cause to be prepared within the jails of their respective counties, at the expense of such counties, so many cells for the reception of convicts as they may deem necessary.

Annual Report.

(343.) SEC. 9. They shall cause to be made out and published yearly, immediately after their annual meeting, in at least one newspaper, if there be one published in the county, if not, in some paper published nearest thereto, a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed, and the amount allowed, of the year next preceding, the accounts allowed, and a full statement of the amounts of the Treasurer's account on the last settlement, as on his balance sheet or account current in making the settlement.

Special Meetings.

(344.) SEC. 10. A special meeting of the Board of Supervisors of any county shall be held only when requested by at least one-third of the Supervisors of such county; which request shall be in writing, addressed to the County Clerk, and specifying the time and place of such meeting; and upon the reception of such request, the clerk shall immediately give notice in writing to each of the Supervisors, by causing the same to be delivered to such Supervisors personally, or by leaving the same at the place of residence of such Supervisor, at least six days before the time of such meeting.

General powers
of Board.

(345.) SEC. 11. The said several Boards of Supervisors shall have power, and they are hereby authorized, at any meeting thereof lawfully held:

1. To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith.

2. To purchase any real estate necessary for the site of any

court house, jail, clerk's office, or any other public county buildings in such county.

3. To fix upon and determine the site of any such build-^{General powers of Board.}ings, if not previously located.

4. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof shall be executed.

5. To remove or designate a new site for any county buildings required to be at the county seats, when such removal shall not exceed the limits of the village or city at which the county seat is situated as previously located.

6. To cause to be erected the necessary buildings for poor houses, jails, clerk's offices, and other county buildings, and to prescribe the time and manner of erecting the same.

7. To borrow or raise by tax, upon such county, any sum of money necessary for any of the purposes mentioned in this act: *Provided*, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways, or bridges, unless authorized by a majority of the electors of such county voting therefor, as hereinafter provided.

8. To provide for the payment of any loan made by them, by tax upon such county, which shall, in all cases, be within fifteen years from the date of such loan.

9. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties; and the sums so fixed and defined shall be subject to no appeal.

10. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to, or arising from, the execution of their lawful authority, subject to the limitations prescribed in this act.

11. To abolish, but not revive the distinctions between township and county poor.

12. To extend and determine by resolution the time when each Collector or Township Treasurer in their county shall make his return to the County Treasurer; but such time shall in no case exceed one month from the time fixed by the general law; and in all cases, interest shall be charged on all taxes so extended for the time of such extension.

13. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the

destruction of wild beasts, of thistles, and other noxious weeds, within the several counties.

General powers
of Board.

14. To require any county officer, whose salary or compensation is paid by the county, to make a report under oath to them, on any subject or matters connected with the duties of their offices, and to require any such officer to give such bonds, or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make such report, or to give such bond, within a reasonable time after being so required, may be removed from office by such board, by a vote of two-thirds of the members elect, and the office declared vacant; and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of said board to give reasonable notice of such election to fill the vacancy.

15. To authorize any township or townships in their respective counties, by a vote of the electors of such township or townships, to borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars in any one township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or townships may be interested; and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township have any particular local interest in the construction or repair of any bridge, such Board of Supervisors may determine, under such regulations as they may establish, the relative proportion which each township shall contribute in the building or repairing thereof, and the amounts so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law.

16. To represent their respective counties, and to have the care and management of the property and business of the county, in all cases where no other provision shall be made.

17. To establish such rules and regulations in reference

to the management of the interests and business concerns of such county, and in reference to the mode of proceedings before such board, as they shall deem necessary and proper, in all matters not specially provided for in this act, or in some other law of this State.

(346.) SEC. 12. None of the powers mentioned in the third,^{When two-thirds vote required.} fifth, sixth, eleventh, twelfth, thirteenth, fifteenth and sixteenth subdivisions of the last preceding section, shall be exercised without a vote of two-thirds of all the members elected to such board.

(347.) SEC. 13. The said respective Boards of Supervisors^{Division of County into Representative Districts.} in each county entitled to more than one Representative in the State Legislature, shall have power, and it shall be their duty, at their annual meeting in the year eighteen hundred and fifty-one, and at their annual meeting next after each subsequent apportionment of such Representatives by the Legislature, to divide their respective counties into representative districts, equal in number to the number of Representatives to which such county is entitled by law, in accordance with section three of article four of the Constitution of this State; and they shall cause to be filed in the office of the Secretary of State, and in the office of the clerk of such county, within thirty days after such division, a description of such representative districts, specifying the number of each district and the population thereof, according to the last preceding enumeration.

(348.) SEC. 14. The Boards of Supervisors of the several^{Board may divide or alter Boundaries of Townships.} counties of this State shall have power, within their respective counties, and all territory attached thereto, by a majority of all the members elected, to divide or alter in its bounds any township, or erect a new township, upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State; and it shall be^{Publication of proceedings thereon with Laws.} the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published :

Proviso.

Provided, however, That no part of the Territory of one township shall be detached therefrom, and added to another, unless application in writing for that purpose be made to such board by a majority of all the taxable inhabitants residing on the part of the Territory to be so detached, whose names appear on the last preceding assessment roll of the Supervisor of the township from which said territory is to be detached as aforesaid. (a)

Notice of application, how to be given.

(349.) SEC. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the township or townships to be affected, shall be posted in five of the most public places in each of the townships to be affected thereby, four weeks next previous to such application to the Board of Supervisors; and a copy of such notice shall also be published once in each week four successive weeks immediately preceding the meeting of the Board of the Supervisors at which such application is to be made, in some newspaper printed in the county, if any shall be published therein. (b)

Proceedings on Organization of New Townships.

(350.) SEC. 16. Whenever the Board of Supervisors shall erect a new township in any county, they shall designate the name thereof, the time and place of holding the first annual township meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting. And in case any of the three electors above mentioned shall refuse or neglect to serve, the electors of said township present at such meeting shall have power to substitute some other elector of such township for each one so neglecting or refusing to serve. Notice of the time and place of such meeting, signed by the chairman or clerk of the Board of Supervisors, shall be posted in four of the most public places in such new township, by the persons so designated to preside at such meeting, or by some person appointed by such Board of Supervisors for that purpose, and in each of the townships whose boundaries may have been altered by the erection of such new township, at least fourteen days before holding the same. They shall also fix the place for holding the first township meetings in the

(a) As amended by Act of Feb. 17, 1857, following. For a prior amendment, repealed by that Act, see Laws of 1855, p. 108.

(b) As amended by the Act of Feb. 17, 1857, following. For a prior amendment, repealed by that Act, see Laws of 1855, p. 108.

town or towns from which such new township shall be taken, which shall also be stated in the notice posted in such last named township; but nothing in this act shall affect the rights, or abridge or enlarge the term of office of any Justice of the Peace or other town officers in any such township; but such Justice of the Peace or other township officer, residing within the limits of such new township, shall continue to be such justice or other officer in such new township, till the expiration of the time for which he was elected, in the same manner as if originally elected therein; and the terms of office of the Supervisor, Township Clerk, Commissioners of Highways, Township Treasurer, School Inspectors, Constables and Overseers of Highways, elected at such first township meeting, shall expire on the first Monday of April thereafter, or as soon thereafter as their successors are elected and qualified.

(351.) SEC. 17. Whenever a county seat is proposed to be removed, the Board of Supervisors for such county shall have power, by a vote of two-thirds of all the members elect, to designate a place to which such proposed removal is to be made, and after a majority of the electors of such county voting thereon shall have voted in favor of the proposed location, as herein-after provided, to make and establish such county seat. Removal of County Seat.

(352.) SEC. 18. Whenever such board shall have designated the place of such proposed removal, as provided in the next preceding section, they shall also provide for submitting such proposition at the next township meeting to the vote of the electors of such county; and they shall thereupon cause notices thereof to be posted up in three of the most public places in each township of such county, for at least thirty days previous to the time fixed for such vote, and shall cause the same to be published in one newspaper printed in the county, if any, and if none in the county, then in the paper published nearest thereto, for at least three successive weeks previous to such vote, setting forth that such proposed location has been designated by two-thirds of such board, and stating the day when the proposition will be submitted to the electors of the county in their several townships. Proposition submitted to the People.

(353.) SEC. 19. At the time specified in such notices, a vote of the electors of such county shall be taken in each of the townships in such county, at the place designated for the next township meeting. The inspectors receiving the votes shall be the same as required at the annual township meeting, a Manner of voting on proposition.

and the votes shall be canvassed by the same officers, and in the same manner as required at such annual meeting; and the result of such vote shall be certified by them, and transmitted to the County Clerk within ten days after such vote shall be taken; which certified statements shall be delivered by such clerk to the Board of Supervisors at their next meeting. All voting in the several townships, as provided in this section, shall be by ballot, and those voting in favor of such proposed location, shall have written or printed on their ballots, "For the removal of the County Seat;" and those voting against such proposed location, shall have written or printed on their ballots, "Against removal of the County Seat."

Mode of submitting Loan or Tax to a vote of the People.

(354.) SEC. 20. Whenever it shall become necessary, under the provisions of this act, to submit to a vote of the electors of any county the question of raising any sum of money by loan or by tax, the said board, after having determined the sum necessary to be raised, whether the same shall be made by loan or by tax, shall proceed to give the notice of such determination, and of the time when the question will be submitted to the electors of such county in the several townships; which notice shall be for the same length of time, and posted in the same manner, as required by the eighteenth section of this act; and the votes shall be taken, canvassed, certified and returned in the same manner as required by the nineteenth section of this act, except that those voting for such tax or loan shall have written or printed on their ballots the words, "For the Tax," or "For the Loan," as the case may be; and those voting against the tax or loan, shall have written or printed on their ballots the words, "Against the Tax," or "Against the Loan," as the case may be.

Powers of Board with respect to Streams.

(355.) SEC. 21. Every such Board of Supervisors shall have power, within their respective counties, to permit or prohibit the construction of any dam or bridge over or across any navigable stream. They shall also have power to provide for the removal of any obstruction arising from the erection of booms, or collecting of logs or rafts in such streams by any individual, and to direct the time in which, and places where, persons having logs, rafts and boats in such streams shall be allowed to remain, and when the same shall be removed; and may impose such penalties as they deem necessary to enforce such regulations, and authorize the Sheriffs, or their deputies,

to carry into effect the regulations made under the provisions of this act. (c)

(356.) SEC. 22. Whenever any person or persons, or any Powers with re-
incorporation, shall wish to construct a dam across any such spect to Dams
stream as is mentioned in the preceding section, such person and Bridges.
or persons, or corporation, shall present to the Board of Supervisors, or file with their clerk, to be presented to them at their next meeting, a petition praying for leave to construct such dam, and setting forth the purpose, location, height and description of such dam, and whether it is proposed to construct a lock, or shute, or apron, and of what description, for the passage of boats, vessels, rafts, or timber; and before the same shall be heard and determined by such board, it shall be made to appear to the board that notice of such application, signed by the petitioners, and stating substantially the contents of such petition, has been posted up in three of the most public places in each township through which such stream runs, at least three weeks previous to the hearing of such application, and published in some newspaper printed in such county, if any published therein. And on such hearing, any person or persons shall be heard in favor of, and in opposition to the prayer of the petition; and such board may adjourn such hearing to any other time or place; and they may grant or refuse the prayer of such petition. And the determination shall be entered at length upon the record of said board. And if such board shall allow the said dam to be constructed, the petitioners shall be at liberty to construct the same by complying fully with the terms and conditions set forth in their petition; and after having obtained such right, and constructed such dam, such petitioners, their heirs, successors, or assigns, may, if such dam be destroyed or decayed, construct a new dam, subject to all the same terms and conditions, on the same site, without again applying to such board: *Provided*, That nothing in this act contained shall be construed as giving to such Board of Supervisors any power to grant the right to any person or persons, or corporation, to flow, or in any manner to take, or injure the lands of any person or persons, by, or in consequence of constructing such dam.

¶ (c) As amended by "An Act to amend Section Twenty-One of 'An Act to Define the Powers and Duties of the Boards of Supervisors of the several Counties, and to confer upon them certain Local, Administrative and Legislative powers,' approved April 8, 1851." Approved June 21, 1851. Laws of 1851, p. 271.

Powers with re-
spect to Dams
and Bridges.

(357.) SEC. 23. Whenever any person or persons, township officers, or corporation, shall wish to construct any bridge across any stream at a point where the same is navigable for boats or vessels of fifteen tons burden or more, they shall apply to the Board of Supervisors by petition, and shall give notice of the same, in like manner, as near as may be, as provided in section twenty-two of this act; and the powers, and the mode of proceeding of such board, shall be the same, as near as may be, as provided in the last named section. Every such petition shall set forth the kind and description of the bridge proposed to be constructed, and whether the same is to be constructed with a draw, or whether any and what provision is to be made for the passage of vessels or boats; and such board shall have the power to grant or refuse the prayer of such petition, upon such terms as they may deem just and reasonable, and to prescribe what description of bridge may be constructed, or to prohibit the construction of any bridge on the proposed location, as in their judgment the public interest shall require.

Ibid.

(358.) SEC. 24. Every such Board of Supervisors shall have power to make general rules and regulations as to the kind of bridges, and the mode of constructing the same over any such stream, as mentioned in section twenty-one of this act, when such stream shall not be navigable for boats or vessels of fifteen tons burden, or to grant permission for building the same, without the notice or hearing above provided, in such manner as shall be judged proper with reference to the passage of boats, rafts and timber.

Powers with re-
spect to Roads.

(359.) SEC. 25. That the Board of Supervisors of the several counties within this State, are hereby authorized and empowered to cause to be laid out, established, altered, discontinued or opened, all State and territorial roads heretofore or now laid out, or hereafter to be laid through, or within their respective counties, whenever they may deem it for the interest of the public.

Ibid.

(360.) SEC. 26. Whenever the Board of Supervisors of any county are petitioned to by at least twelve freeholders of each of the townships through which any such road or roads may pass, they shall, upon such petition, authorize the Commissioners of Highways of such townships to cause the line of said road or roads, within their respective townships, to be surveyed and located therein, and such Commissioners shall report such survey and location to the Board of Supervisors

of their county; and upon examination of said survey and report, said board may declare such road or roads duly laid out, established, discontinued, opened, or altered, as the case may be.

(361.) SEC. 27. Whenever said road or roads shall be surveyed, laid out, altered or established under the provisions of this act, it shall be the duty of the Board of Supervisors to whom such petition and report may have been made as aforesaid, to notify and require the Commissioners of Highways of the several townships through which said road or roads may pass, to furnish to the several Township Clerks of such townships the minutes of all surveys within their respective townships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

Powers with respect to Roads.

(362.) SEC. 28. Any person feeling himself aggrieved by the laying out, altering, discontinuing, or opening of any road or roads, may have his damages appraised, and obtain the same in the same manner, and under the restrictions made and provided relative to township roads.

Damages on the laying out, etc., of Roads.

(363.) SEC. 29. Every order, resolution and determination of such Board of Supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board.

Record of orders of Board.

(364.) SEC. 30. Each member of such Board of Supervisors shall be allowed a compensation of one dollar and fifty cents per day for his services and expenses in attending the meeting of such board; and six cents for each mile traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county.

Compensation of members.

(365.) SEC. 31. If any Supervisor shall neglect or refuse to perform any of the duties which are, or shall be required of him by law, as a member of the Board of Supervisors, without just cause therefor, he shall for each offence forfeit one hundred dollars.

Forfeiture for neglect of duties.

(366.) SEC. 32. Nothing in this act contained shall abridge the powers or duties of any Board of Supervisors, which they now or hereafter may possess, under any other law of this State, and which are not provided for in this act.

Powers under other Laws not abridged.

(367.) SEC. 33. All that part of chapter fourteen, title three, of the Revised Statutes of eighteen hundred and forty-six, from, and including section one, to and including section twenty-six, is hereby repealed: *Provided*, That such repeal shall not affect any act done, or any right accruing or accrued.

Chap. 14 of R. S. repealed.

SEC. 34. This act shall take effect immediately.

An Act to Amend Sections Fourteen and Fifteen of an Act entitled, An Act to define the Powers and Duties of the Board of Supervisors of the several Counties, and to confer upon them certain Local, Administrative and Legislative Powers, approved April eighth, eighteen hundred and fifty-one.

[Approved Feb. 17, 1857. *Laws of 1857*, p. 463.]

SECTION 1, 2. (d)

Certain Act re-
pealed.
1855, p. 108.

(368.) SEC. 3. That act number fifty-nine, approved February tenth, eighteen hundred and fifty-five, of the Session Laws of eighteen hundred and fifty-five be, and the same is hereby repealed.

SEC. 4. This act shall take immediate effect.

COUNTY AUDITORS OF WAYNE COUNTY.

From Chapter Fourteen of Revised Statutes of 1846.

Board of County
Auditors.

Annual Election.

Election by Board
of Supervisors.

Term of Office.

(369.) SEC. 27. There shall continue to be a Board of County Auditors for the County of Wayne, composed of three persons, one of whom shall be elected annually, at the general election in said county, if such election be held, and if there be no such election held, then said Auditor shall be elected by the Board of Supervisors of said county, as follows: Said election shall be by ballot, and shall be held at the hour of ten o'clock, A. M., on the second day of the annual meeting of the Board of Supervisors in said county. Before proceeding to ballot, the board shall choose a teller, whose duty shall be to receive the votes, and with the chairman and clerk shall be a board to canvass the same, and the person receiving the majority of said votes cast shall be deemed duly elected, and a certificate of said election, signed by the chairman and clerk of said Board of Supervisors, shall be forwarded by the clerk to the person so elected, within ten days after such election, and a duplicate of said certificate of said election, showing the number of votes given, and the persons for whom they were given, shall be deposited in the office of the clerk of said county of Wayne, within one week after said election. And each person so elected, whether at general election or by the Board of Supervisors, shall hold his office for the term of three years, and until his successor shall be elected and qualified; but no

two of such Auditors shall be residents of the same township or city. (e)

(370.) SEC. 28. The annual meeting of the Board of Auditors shall be holden at the office of the County Clerk on the first Monday of October in each year, and the Auditor having the shortest portion of a regular term to serve, shall be the chairman of the board; and such board shall have the power to adjourn from time to time, when necessary for the transaction of business; and may hold special meetings at such times and places as a majority of them may deem proper, public notice thereof being first given by the clerk of the board, by publishing the same in a newspaper printed in said county, at least ten days before the holding thereof. Meetings of Board.

(371.) SEC. 29. The said Board of Auditors shall have and exercise all the powers, and perform all the duties conferred or imposed upon the Boards of Supervisors of the several counties in this chapter, or by any other provisions of law, except those mentioned in the next succeeding section; and the Board of Supervisors of the County of Wayne shall not have or exercise any of the powers herein conferred upon said Board of Auditors. Powers and Duties.

(372.) SEC. 30. The Supervisors in the County of Wayne shall hold their annual meeting in each year, at the time and place appointed by law; and shall have and exercise all the powers conferred by law upon the Supervisors of the several counties, in relation to the equalizing and correcting of the assessments in said county, apportioning the State and County Taxes to be collected in the several townships, ascertaining and returning the aggregate valuation of real and personal property in the county, and all other matters connected with the assessment and collection of taxes within said county. Powers and Duties of Board of Supervisors for County of Wayne.

(373.) SEC. 31. The said Board of County Auditors shall, on or before the annual meeting of the Board of Supervisors in said county in each year, ascertain, and report to said Board of Supervisors, the amount of tax necessary to be raised therein for county purposes. Auditors to report amount of tax necessary to be raised.

(374.) SEC. 32. Appeals may be taken from the determination of said Board of Auditors in the same cases, in the same manner, and with the like effect, as provided in relation to Appeal, how taken. See Const. Art. 10, Sec. 10.

(e) As Amended by "An Act to provide for the Election of County Auditors in the County of Wayne." Approved February 12, 1855. Laws of 1855, p. 152.

appeals from the determinations of Boards of Supervisors of the several counties.

Clerk of Board of Auditors; his duties.

(375.) SEC. 33. The County Clerk of the county of Wayne shall be the clerk of said Board of Auditors, and shall perform the same duties, as clerk of such board, as the clerks of the several counties are required to perform as clerks of the Board of Supervisors therein.

Compensation of Auditors.

(376.) SEC. 34. Each of said Auditors shall be allowed for his services and expenses in attending the meetings of the board, at the rate of one dollar and fifty cents per day, and six cents per mile for travelling from his residence to the place of meeting; to be certified by the clerk, and audited by the Judges of the County Court for the county of Wayne.

COUNTY TREASURER.

County Treasurer elected for two years, to give bond.

(377.) SEC. 35. The County Treasurer shall be elected at the general election, for the term of two years, and shall give a bond for the faithful and proper discharge of the duties of his office, as hereinafter directed.

Bond to be given to Supervisors, its condition.

(378.) SEC. 36. The said bond shall be given to the Board of Supervisors of the county, with three or more sufficient sureties, to be approved of by the Board of Supervisors, and in such sum as they shall direct, conditioned that such person, and his deputy, and all persons employed in his office, shall faithfully and properly execute their respective duties and trusts, and that such Treasurer shall pay according to law all moneys which shall come to his hands as Treasurer, and will render a just and true account thereof whenever required by the Board of Supervisors, or by any provision of law; and that he will deliver over to his successor in office, or to any other person authorized by law to receive the same, all moneys, books, papers, and other things appertaining or belonging to said office.

Deputy.

(379.) SEC. 37. The County Treasurer may appoint a deputy, who, in the absence of the Treasurer from his office, or in case of a vacancy in said office, or any disability of the Treasurer to perform the duties of his office, may perform all the duties of the office of Treasurer, until such vacancy be filled, or such disability be removed.

Office, how supplied in case of vacancy, etc.

(380.) SEC. 38. In case the office of County Treasurer shall become vacant, or in case the Treasurer, from any cause, shall be incapable of discharging the duties of his office, the Board

of Supervisors may, if in their opinion the interests of the county require it, by writing under their hands, select a suitable person to perform the duties of the Treasurer; and such person so selected, upon giving such bond for the faithful performance of the duties of the office as the said board shall direct, may perform such duties until such vacancy shall be filled, or such disability be removed.

(381.) SEC. 39. No person holding the office of Prosecuting Attorney, Judge of a County Court, County Clerk, Supervisor, or Sheriff, shall hold the office of County Treasurer. Who not to be Treasurer.

(382.) SEC. 40. It shall be the duty of the County Treasurer to receive all moneys belonging to the county, from whatever source they may be derived; and all moneys received by him for the use of the county, shall be paid by him only on the order of the Board of Supervisors, signed by their clerk, and countersigned by their chairman, except when special provision for the payment thereof is, or shall be otherwise made by law. Treasurer to receive and pay moneys. 6 McLean, 446.

(383.) SEC. 41. At the annual meeting of the Board of Supervisors, or at such other time as they shall direct, the County Treasurer shall exhibit to them all his books and accounts, and all vouchers relating to the same, to be audited and allowed. To exhibit books, etc., to Supervisors.

(384.) SEC. 42. Upon the death, resignation, or removal from office, of any County Treasurer, all the books and papers belonging to his office, and all moneys in his hands by virtue of his office, shall be delivered to his successor in office, upon the oath of the preceding County Treasurer, or in case of his death, upon the oath of his executors or administrators. Moneys, etc., to be delivered to successor.

(385.) SEC. 43. The County Treasurer shall receive for his services such compensation as the Board of Supervisors shall deem reasonable, to be allowed and ordered by them. Compensation.

(386.) SEC. 44. When directed by the Board of Supervisors, the County Treasurer shall cause to be insured any or all the public buildings belonging to the county, as said board shall direct, and the insurance thereon shall be taken in the name of the Treasurer, and his successors in office. Insurance of Buildings of County. 1840, p. 161.

(387.) SEC. 45. In case of the destruction of, or damage done to the buildings so insured, the Treasurer shall have authority, and it shall be his duty, to demand and receive the moneys which shall be due on account of such insurance, and in case of neglect or refusal to pay the same, he shall sue for and collect such moneys in his name of office whenever directed by the Board of Supervisors, and pay the same into the Treasurer to collect moneys in case of damage.

1840, p. 161, Sec. 1. County Treasury, to be used in repairing or rebuilding such public buildings.

Bond, when to be put in suit. (388.) SEC. 46. Whenever the condition of the County Treasurer's bond shall be forfeited, to the knowledge of the Board of Supervisors of the county, they shall cause such bond to be put in suit.

Moneys recovered on bond, how applied. (389.) SEC. 47. All moneys recovered in any such action, shall be applied by the Board of Supervisors to the use of the county, or to such other use or uses as the same ought properly to be applied to.

To keep office at Seat of Justice. (390.) SEC. 48. The County Treasurer shall keep his office at the seat of justice for the county.

SEC. 49, 50. (cc)

JUDGE OF PROBATE.

Judge of Probate to be elected for four years, to have custody of Probate Records. (391.) SEC. 51. The Judge of Probate for each organized county shall be elected at the general election, for the term of four years, and shall have possession of the seal, records, books, files and papers belonging to the Court of Probate, and shall keep a record of all orders, decrees and other official acts made or done by him, which record may be inspected by all persons interested without charge.

To keep his office at Seat of Justice; Compensation. (392.) SEC. 52. The Judge of Probate shall hold his court at the seat of justice of the county; and he shall receive such compensation for his services as shall be allowed by law.

PROSECUTING ATTORNEY.

Prosecuting Attorney to appear for State, etc. (393.) SEC. 53. The Prosecuting Attorneys shall, in their respective counties, appear for the State or county, and prosecute or defend in all the courts of the county, all prosecutions, suits, applications and motions, whether civil or criminal, in which the State or county may be a party, or interested.

3 Mich. Rep. 598. To attend before Magistrates, etc. (394.) SEC. 54. Each Prosecuting Attorney shall, when requested by any magistrate of the county, appear in behalf of the people of this State, before any such magistrate, other than those exercising the police jurisdiction of incorporated cities and villages, and prosecute all complaints made in behalf of the People of this State, of which such magistrate shall have jurisdiction.

(395.) SEC. 55. The Prosecuting Attorneys shall give opinions, in cases where the State or county may be a party or interested, when required by any civil officers, in the discharge of their respective official duties, relating to the interests of the State or county. To give opinions in certain cases.

(396.) SEC. 56. Each Prosecuting Attorney shall, in the month of November in each year, make and transmit to the Attorney General a report, setting forth particularly the amount and kind of official business done by him in his county in the preceding year; the number of persons prosecuted; the crimes and misdemeanors for which such prosecutions were had, the result thereof, and the punishments awarded. Report of Prosecuting Attorneys.

(397.) SEC. 57. Each Prosecuting Attorney who shall neglect or refuse to make and transmit his annual report, as required by the preceding section, shall forfeit the sum of fifty dollars for each and every such neglect or refusal. Penalty for neglect to make report.

(398.) SEC. 58. No Prosecuting Attorney shall receive any fee or reward from, or on behalf of any prosecutor, or other individual, for services in any prosecution or business to which it shall be his official duty to attend; nor be concerned as attorney or counsel for either party, other than for the State or county, in any civil action depending upon the same state of facts upon which any criminal prosecution, commenced or prosecuted, shall depend. Not to receive fee from Prosecutors, etc.

(399.) SEC. 59. The Prosecuting Attorneys shall severally receive such compensation for their services, as the Board of Supervisors of the proper county shall, by an annual salary or otherwise, from time to time, order and direct. Compensation.

(400.) SEC. 60. The Supreme Court, and each of the Circuit Courts may, whenever there shall be no Prosecuting Attorney for the county, or when the Prosecuting Attorney shall be absent from the court, or unable to attend to his duties, if either of said courts shall deem it necessary, by an order to be entered in the minutes of such court, appoint some other attorney at law to perform, for the time being, the duties required by law to be performed in either of said courts by the Prosecuting Attorney, who shall thereupon be vested with all the powers of such Prosecuting Attorney for that purpose. Courts may appoint in certain cases.

An Act to Provide for obtaining Returns from the Prosecuting Attorneys of the several Counties in the State of Michigan, and for other purposes.

[Approved March 1, 1849. Took effect April 30, 1849. Laws of 1849, p. 45.]

Duty of Attorney General in furnishing blanks for reports.

(401.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Attorney General be, and he is hereby required to furnish to the several Prosecuting Attorneys in the State of Michigan all necessary blanks, to enable them to make uniform reports in conformity to the provisions of the fifty-sixth section of chapter fourteen of the Revised Statutes of eighteen hundred and forty-six.

From Chapter Fourteen of Revised Statutes of 1846.

COUNTY CLERK.

Election of County Clerk; His bond.

(402.) SEC. 61. The County Clerk in each organized county shall be elected at the general election, for the term of two years, and shall give a bond to the people of the State, in the penal sum of two thousand dollars, to be approved by the Circuit Judge, for the faithful discharge of the duties of his office. (*f*)

Condition of bond.

(403.) Sec. 62. The condition of such bond shall be in substance as follows: "Whereas, the above bounden hath been elected to the office of Clerk of the county of _____ at the general election held therein [or at a special election held therein], on the _____ day of _____: Now, therefore, the condition of the above obligation is such, that if the said _____ shall faithfully, truly and impartially enter and record all orders, decrees, judgments and proceedings of the courts whereof he shall officiate as Clerk, and faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such Clerk, and shall deliver over to his successor in office all the books, records, papers, seals, and other things belonging to his said office, then the above obligation to be void, otherwise to be and remain in full force."

Deputy County Clerk.

(404.) SEC. 63. Each County Clerk shall appoint a deputy, to be approved by the Circuit Court, *or the County Judge*, and

(*f*) As amended by "An Act to Amend Section Sixty-One of Chapter Fourteen of the Revised Statutes," approved February 12, 1853. Laws of 1853, p. 114.

may revoke such appointment at his pleasure ; which appointment and revocation shall be in writing, under his hand, and filed in his office ; and the deputy may perform the duties of such clerk. (g)

(405.) SEC. 64. The County Clerk, and his sureties, shall be responsible for the acts of his deputy ; and in case of the death, resignation or removal of the Clerk, or in case of a vacancy by any other means, in the said office of Clerk, the deputy shall perform all the duties of such Clerk, until such vacancy shall be filled.

Clerks, etc., responsible for acts of Deputy.
When Deputy to act as Clerk.

(406.) SEC. 65. The books necessary to be kept and used in the Clerk's office, shall be procured by the Clerk, under the direction of the Judge of the Circuit Court, at the expense of the county ; and the Board of Supervisors of the county shall audit and allow the account for such books, on the certificate of the said Judge.

Books to be procured.

(407.) SEC. 66. The Clerk of each county shall transmit to the Secretary of State, annually, within one week after the fourth day of July, a list, certified by him, of all Justices of the Peace of the county, stating the time of their respective election, and their terms of service, and whether elected to fill a vacancy, and if so, what vacancy ; and whenever the County Clerk shall receive information of the death, removal, or resignation of any Justice of the Peace of his county, it shall be his duty forthwith to notify the Secretary of State of such vacancy.

Clerk, when to transmit list of Justices to Secretary of State.
1840, p. 52, Sec. 6.

(408.) SEC. 67. The County Clerk shall keep his office at the seat of justice for the county, and shall receive such fees and compensation for his services as shall be provided by law.

To keep Office at Seat of Justice.

SHERIFFS.

(409.) SEC. 68. The Sheriff of each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this State in the penal sum of ten thousand dollars, and with such sufficient sureties, not less than three in number, as the Judge of the Circuit Court, or the County Judge shall approve.

When Sheriff elected; Term of office; Bond.

(410.) SEC. 69. The condition of such bond shall be in substance as follows : "Whereas, the above bounden

Condition of Sheriff's bond.

(g) As amended by Act 65, of 1850, p. 54. The office of County Judge is since abolished.

hath been elected to the office of Sheriff of the county of _____ at the general election held therein) or at a special election held therein), on the _____ day of _____ : Now, therefore, the condition of the above obligation is such, that if the said _____ shall well and faithfully in all things perform and execute the office of Sheriff of the said county of _____ during his continuance in office by virtue of the said election, without fraud, deceit, or oppression, and shall pay over all moneys that may come into his hands as such Sheriff, then the above obligation to be void, otherwise to be and remain in full force."

Sheriff may appoint Deputies.

(411.) SEC. 70. Each Sheriff may appoint one or more deputies, for whose official acts he shall be in all respects responsible, and may revoke such appointments at his pleasure; and persons may also be deputed by any Sheriff, by an instrument in writing, to do particular acts. (*h*)

Under Sheriff.

(412.) SEC. 71. The Sheriff of each county shall, as soon as may be, after entering upon the execution of his office, appoint some proper person under Sheriff of the same county, who shall also be a general deputy, to hold during the pleasure of such Sheriff; and as often as a vacancy shall occur in the office of such under Sheriff, or he become incapable of executing the same, another shall, in like manner, be appointed in his place.

When Under Sheriff to act as Sheriff.

(413.) SEC. 72. Whenever a vacancy shall occur in the office of Sheriff of any county, the under Sheriff of such county shall, in all things, execute the office of Sheriff, until a Sheriff shall be elected and qualified; and any default or misfeasance in office of such under Sheriff in the mean time, as well as before, shall be deemed to be a breach of the condition of the bond given by the Sheriff who appointed him, and also a breach of the condition of the bond executed by such under Sheriff to the Sheriff by whom he was appointed.

Appointment of Deputies, etc., how made.

(414.) SEC. 73. Every appointment of an under Sheriff, or of a deputy Sheriff, and every revocation thereof, shall be in writing under the hand of the Sheriff, and shall be filed and recorded in the office of the clerk of the county; and every such under Sheriff or deputy shall, before he enters upon the duties of his office, take the oath prescribed by the twelfth article of the Constitution of this State. But this section

shall not extend to any person who may be deputed by any Sheriff to do a particular act only.

(415.) SEC. 74. It shall be the duty of every Sheriff, within twenty days after the first Monday in January in each year subsequent to that in which he shall have entered on the duties of his office, to renew the security required to be given by him before entering upon the duties of his office; which renewed security shall be in the same amount, and be given in the same manner, and be subject in all respects to the same regulations, as the original security required from such Sheriff. Sheriff to renew security.

(416.) SEC. 75. The Sheriff shall have the charge and custody of the jails of his county, and of the prisoners in the same; and shall keep them himself, or by his deputy or jailor, for whose acts he shall be responsible. To have care of Jails.

(417.) SEC. 76. The Sheriff in person, or by his under Sheriff or deputies, shall serve or execute according to law, all process, writs, precepts and orders, issued or made by lawful authority, and to him directed. To execute process.

(418.) SEC. 77. Sheriffs and their deputies may execute all such process as shall be in their hands at the expiration of the term for which such Sheriffs were elected, or at the time of their removal from office; and in case of a vacancy in the office of Sheriff, every deputy in office under him, having any writ or process in his hands at the time such vacancy happened, shall have the same authority, and be under the same obligation to serve and execute, and return the same, as if such Sheriff had continued in office. When Sheriff, etc., may execute process after expiration of office.

(419.) SEC. 78. Any default or misfeasance in office of any deputy Sheriff or jailer, after the death, resignation or removal of any Sheriff by whom he was appointed, shall be adjudged a breach of the bond of such Sheriff. Default of Deputy, etc., breach of Sheriff's bond.

(420.) SEC. 79. Any action for the malfeasance, misfeasance or nonfeasance of a Sheriff, or any of his deputies, may be prosecuted against the executors or administrators of such Sheriff, in like manner as if the cause of action survived at common law. Action for malfeasance, etc., to survive.

(421.) SEC. 80. No Sheriff, deputy Sheriff or Coroner shall appear in any court as attorney or counsel for, or on behalf of any party in a suit; nor shall he draw, make, or fill up any writ, declaration, plea, or process, for any such party; nor shall he, with intent to procure himself to be employed in the collection of any demand, or the service of any process, advise No Sheriff, etc., to act as Attorney or Counsel, or draw process.

or counsel any person to commence any suit or proceeding; and either of said officers, for a violation of any provision of this section, shall forfeit the sum of fifty dollars.

Sheriff, etc., may require aid in certain cases.

(422.) SEC. 81. Any Sheriff, deputy Sheriff, Coroner or Constable, may require suitable aid in the service of process in civil or criminal cases, in preserving the peace, or in apprehending or securing any person for felony or breach of the peace, when such officer may have power to perform such duty; and when any such officer shall find resistance made against the execution of any process, or shall have good reason to believe that such resistance will be made, he may take the power of the county, and proceed therewith in proper person to execute such process.

When Sheriff's services chargeable to the State.

(423.) SEC. 82. Whenever a Sheriff shall be required, by any statutory provision, to perform any service in behalf of the People of this State, and for their benefit, which shall not be made chargeable by law to his county, or to some officer or other person, his account for such services shall be audited by the Auditor General, and paid out of the State Treasury.

Sheriff to keep office, and give notice thereof.

(424.) SEC. 83. It shall be the duty of the Sheriff of every county to keep an office at the place where the courts for such county are held, of which he shall file a notice in the office of the clerk of the county; and to keep the same open during the usual business hours each day, Sundays excepted.

Papers may be served by leaving at Sheriff's office.

(425.) SEC. 84. Every notice or other paper which shall be required to be served on any Sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such notice or paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal service on such Sheriff.

If no notice given, papers may be left at County Clerk's office.

(426.) SEC. 85. If no notice shall be filed by any Sheriff with the County Clerk as herein required, the service of all papers on such Sheriff may be made by leaving them at the office of the County Clerk, with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such Sheriff.

Chapter One Hundred and Forty-Seven of Revised Statutes of 1846.

PROCEEDINGS ON THE ELECTION OF A NEW SHERIFF.

N. Y. R. S. Art. 5,
Title 6, Ch. 7,
Part 3.

(427.) SEC. 28. Whenever any new Sheriff shall be elected in the place of any other, or upon the expiration of any Sheriff's office, and shall have qualified and given the security required by law, the clerk of the county shall grant a certificate, under the seal of the Circuit Court for the county, that the person so elected has qualified and given such security.

Evidence of new
Sheriff having
qualified.

12 Wend., 461.

(428.) SEC. 29. Upon the service of such certificate on the former Sheriff, his powers as such Sheriff, except in the cases otherwise expressly provided by law, shall cease.

When powers of
former Sheriff to
cease.
12 Wend., 275.

(429.) SEC. 30. Within ten days after the service of such certificate upon such former Sheriff, he shall deliver to his successor:

Jail, etc., to be
delivered to suc-
cessor.

1. The jail of the county, with all its appurtenances, and the property of the county therein;

2. All the prisoners then confined in such jail;

3. All process, orders, rules, commitments, and all other papers or documents in his custody, authorizing, or relating to, the confinement of such prisoners; and if any process shall have been returned, a statement in writing of the contents thereof, and when returned;

4. All writs of *capias ad respondendum*, and other original process, and all precepts and other documents, for the summoning of a grand or petit jury, then in his hands, which shall not have been fully executed by him;

5. All executions, attachments, and final process, then in his hands, except such as the said former Sheriff shall have executed, or shall have begun to execute by the collection of money thereon, or by a levy on property in pursuance thereof;

(430.) SEC. 31. At the time of such delivery, the said former Sheriff shall execute an instrument, reciting the property, process, documents, and prisoners delivered, specifying particularly the process or other authority by which each prisoner was committed, and is detained, and whether the same be returned or delivered to such new Sheriff; which instrument shall be delivered to such new Sheriff, who shall acknowledge in writing upon a duplicate thereof, the receipt of the property, process, documents and prisoners therein specified, and shall deliver such duplicate and acknowledgment to the said former Sheriff.

Acknowledgment
of receipt of pro-
perty, etc., by
new Sheriff.

Powers of former Sheriff in relation to certain process.

(431.) SEC. 32. Notwithstanding the election of a new Sheriff, the former Sheriff shall return, in his own name, all writs of *capias ad respondendum*, all other original process, all attachments and all executions, which he shall have fully executed, and shall proceed to complete the execution of all final process and attachments, which he shall have begun to execute by a collection of money thereon, or by a levy on property in pursuance thereof.

Compelling delivery of jail, etc.

(432.) SEC. 33. If any former Sheriff shall neglect or refuse to deliver to his successor the jail, process, documents and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of such jail, and take the custody of the prisoners therein confined, and may compel the delivery of such process and documents, in the manner prescribed in the one hundred and thirty-third chapter of these Revised Statutes.

Duty of Under Sheriff in certain cases.

(433.) SEC. 34. If, at the time when any new Sheriff shall have qualified and given the security required by law, the office of the former Sheriff shall be executed by his under Sheriff, or by a Coroner of the county, such under Sheriff, or Coroner, shall in all things comply with the preceding provisions, and shall perform the duties required of such former Sheriff.

CORONERS.

From Chapter Fourteen of Revised Statutes of 1846.

Two Coroners to be elected in each County; To give bond.

(434.) SECTION 86. Two Coroners shall be elected for each of the organized counties of this State, at the general election, for the term of two years, who shall give bond to the people of this State, in such penal sum, and with such sufficient sureties, as the Judge of the Circuit Court, *or the County Judge*, shall direct and approve, the condition of which bond shall be in substance the same as that to be given by the Sheriff; varying only in the description of the office.

When Coroner to be designated to act as Sheriff.

(435.) SEC. 87. When there shall be no Sheriff, or under Sheriff in any county, the Judge of the Circuit Court, *or the County Judge*, shall designate one of the Coroners to perform the duties of Sheriff, which Coroner, so designated, shall be vested with the same powers, and be liable in the same manner as Sheriffs, until a Sheriff shall be elected and qualified; and shall have the custody and control of the jail and

the prisoners therein; and when the Sheriff, for any cause, shall be committed to the jail, the Coroner living nearest the jail shall be keeper thereof during the time the Sheriff shall remain a prisoner therein.

(436.) SEC. 88. Every Coroner, within his county, shall serve and execute process of every kind, and perform all other duties of the Sheriff, when the Sheriff shall be a party, or interested in the case; and in all cases where a Coroner may execute the duties of the Sheriff, he shall have the same powers conferred upon, and proceed in the same manner prescribed for the Sheriff, in the performance of similar duties; and such Coroner shall be liable in the same manner, and to the same extent, as Sheriffs are made liable in similar cases.

Coroners to execute process when Sheriff a party, etc.

REGISTER OF DEEDS.

(437.) SEC. 89. The Register of Deeds for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the People of this State in the penal sum of three thousand dollars, with two sureties to be approved by the County Treasurer, the condition of which shall be, that he shall faithfully and impartially discharge the duties of his office.

Register of Deeds to be elected and give bond.

(438.) SEC. 90. The Register shall keep his office at the seat of justice for the county, and shall receive such fees and compensation for his services as may be provided by law.

Office to be kept at Seat of Justice.

(439.) SEC. 91. The Register of Deeds shall appoint a deputy, to hold his office during the pleasure of the Register; such appointment and the revocation thereof to be in writing, and filed in the office of the County Clerk; and before such deputy shall enter upon the duties of his office, he shall take the oath prescribed by the twelfth article of the Constitution, and for the faithful performance of his duties by such deputy, the Register and his sureties shall be responsible.

a Register to appoint Deputy, etc.

(440.) SEC. 92. In case of a vacancy in the office of the Register of Deeds, or his absence, or inability to perform the duties of his office, such deputy shall perform the duties of Register during the continuance of such vacancy or disability.

When Deputy to act as Register.

(441.) SEC. 93. If, during a vacancy in the office of Register of Deeds, there shall be no deputy Register, or if such deputy be unable, from any cause, to perform the said duties, the Judge of the Circuit Court for the county, or the County

When Judge to appoint person to perform duties of Register.

Judge may, by writing under his hand, appoint some suitable person to perform the duties of Register of Deeds for the time being, who shall take an oath of office, and give such bond as the said Judge shall direct and approve.

Supervisors to provide books for recording.

(442.) SEC. 94. The Board of Supervisors of each county shall, from time to time, provide suitable books, at the expense of the county, for the entering and recording of all deeds and matters required by law to be entered and recorded by the Register of Deeds.

COUNTY SURVEYORS.

County Surveyor to be elected; Term of his office and bond.

(443.) SEC. 95. The County Surveyors for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this State, in the penal sum of two thousand dollars, with two sureties to be approved by the County Treasurer, conditioned for the faithful and impartial discharge of the duties of his office.

Surveyors may appoint Deputies.

(444.) SEC. 96. Each County Surveyor may appoint one or more deputies, and revoke such appointment at pleasure; which appointment and revocation shall be in writing, under his hand, and filed with the County Clerk, and such deputies shall take the Constitutional oath of office; and for the faithful performance of the duties of their office by such deputies, the said Surveyor and his sureties shall be responsible.

Certificates of Surveyor, when presumptive evidence.

(445.) SEC. 97. The certificate of the Surveyor, or his deputy, of any survey made by him of any lands in the county, shall be presumptive evidence of the facts therein contained, unless such Surveyor or deputy shall be interested therein.

Surveyor to make surveys ordered by Court.

(446.) SEC. 98. The County Surveyor, in person or by deputy, shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor.

When Surveyor or Deputies interested, surveys may be made by County Surveyor of adjoining county.

(447.) SEC. 99. Whenever a survey may be required of any land, in which the County Surveyor, or either of his deputies, shall be interested, or when, from any cause, there shall be no Surveyor or deputy Surveyor of the county to be found, or able to act, such survey may be made by the Surveyor of an adjoining county, or either of his deputies, in like manner, and to the same effect, as if such survey had been made by the Surveyor of the county where the land is situated.

(448.) SEC. 100. Each County Surveyor shall record, in a ^{What surveys to be recorded.} suitable book to be provided by him at the expense of the county, all surveys made by him and his deputies, except such as are made for a temporary purpose, and surveys of township highways, inserting at the head of each survey so recorded the name of the person for whom it was made, and the number of the survey, in the order in which it shall be made; to which book he shall make an index, referring to such names, or in some other suitable manner referring to each survey, and the number thereof.

(449.) SEC. 101. When the term of office of any County ^{County Surveyor to deliver books and papers to successor; Penalty for neglect.} Surveyor shall expire, or he shall resign or be removed, he shall deliver over all the books and papers relating to his office, to his successor therein; and any County Surveyor, who, on the expiration of his term of office, or on his resignation or removal, shall neglect, for the space of one month after his successor shall be elected, or appointed and qualified, to deliver such books and papers as aforesaid, and any executor or administrator of any deceased County Surveyor, who shall neglect for the space of one month to deliver to such successor ^{1845, p. 65.} all such books and papers which shall come to his hands, shall forfeit and pay a sum not less than ten, nor more than fifty dollars, and a similar sum for every month thereafter during which he shall so neglect to deliver the same as aforesaid.

(450.) SEC. 102. All records of surveys, field notes, and calculations, made by any former County Surveyor, since the ^{Records, etc., of former Surveyors to be delivered over.} organization of the State Government, and now in the hands of such former County Surveyor, or of any other person, shall, on demand of the County Surveyor of the proper county, be immediately delivered to him, as a part of the records and files of his office, and the Boards of Supervisors of the several counties shall respectively audit and allow to the persons entitled thereto, such sum as they shall deem a reasonable compensation for the expense of the books containing such records.

(451.) SEC. 103. It shall be the duty of each County Sur- ^{Surveys, how made.} veyor, in subdividing any section, or part of a section of land, originally surveyed under the authority of the United States, to make his survey in conformity to the original survey, and where any parcel of land is described as being one half, or one quarter, or any other equal portion of a quarter section, and the subdivision lines of such parcel shall not have been before established, the same shall be surveyed and subdivided

in such manner as to include the equal portion of the quarter section so described.

Chainmen, etc.,
to be sworn, (452.) SEC. 104. Every chainman and marker, employed in making surveys pursuant to the provisions of this chapter, shall first take an oath that he will faithfully discharge his duties as such, which oath the County Surveyor, or the deputy making the survey, is hereby authorized to administer.

Variation from
meridian to be
stated. (453.) SEC. 105. In all surveys made as aforesaid, except such as are made for a temporary purpose, the course shall be stated according to the true meridian; and the variation of the magnetic meridian from the true meridian shall also be stated, with the day, month and year when the survey was made.

Compensation to
Surveyor, etc. (454.) SEC. 106. The County Surveyors, and their deputies, shall respectively be entitled to receive for their services a compensation not exceeding three dollars a day, including the time of traveling to and from the place of making the survey, and fifty cents for recording each survey, to be paid by the person for whom the services are rendered; and for each plat and certificate, or a copy thereof, fifty cents, to be paid by the person requesting the same.

1846, p. 66.

NOTARIES PUBLIC.

Notaries Public,
how appointed, (455.) SEC. 107. The Governor, by and with the advice and consent of the Senate, may appoint one or more Notaries Public in each county, who shall hold their offices respectively for four years, unless sooner removed by the Governor.

Commission to be
transmitted. (456.) SEC. 108. Whenever the Governor shall appoint a Notary Public, the Secretary of State shall transmit his commission to the clerk of the county for which such Notary was appointed; and the County Clerk, on receiving such commission, shall give notice thereof to the person so appointed.

1842, p. 77.

Oath of office. (457.) SEC. 109. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice of his appointment, appear before the County Clerk, and take the oath of office prescribed by the Constitution, and the said clerk shall file and preserve the same in his office.

1842, p. 77, Sec.
3.

Notary to give
bond. (458.) SEC. 110. Each Notary Public shall also, before entering upon the duties of his office, and within the time

limited for filing his official oath, give bond to the People of this State, with one or more sureties, to be approved by the County Clerk, in the penal sum of one thousand dollars, the condition of which bond shall be, that such Notary shall duly and faithfully discharge the duties of his office, and he shall file the same with said clerk.

(459.) SEC. 111. Upon the filing of the official oath and bond, Clerk to deliver Commission on filing bond. as required in the two next preceding sections, the clerk shall deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the Secretary of State of the filing of such oath and bond, and of ⁴ the time of filing the same. 1842, p. 77, Sec.

(460.) SEC. 112. Notaries Public shall have authority to take Powers of Notary. the proof and acknowledgments of deeds; to administer oaths, and take affidavits in any matter or cause pending, or to be commenced or moved in any court of this State; to demand acceptance of foreign and inland bills of exchange, and of promissory notes, and to protest the same for non-acceptance, or non-payment, as the case may require; and to exercise such other powers and duties, as by the law of nations, and according to commercial usage, or by the laws of any other State, Government or country, may be performed by Notaries Public.

(461.) SEC. 113. In all the courts of this State the certificate When Certificate of Notary to be presumptive evidence. of a Notary Public, under his hand and seal of office, of official acts done by him as such Notary, shall be received as presumptive evidence of the facts contained in such certificate; but such certificate shall not be evidence of notice of non-acceptance or non-payment in any case in which a defendant 3 Kent's Com., 62. shall annex to his plea an affidavit denying the fact of having received such notice.

(462.) SEC. 114. Whenever the office of any Notary Public shall become vacant, the records of such Notary, and all the papers relating to his office, shall be deposited in the office of When office of Notary vacated, papers, etc., to be deposited with County Clerk. the clerk of the proper county; and any Notary, who, on his resignation or removal from office, shall neglect, for the space of three months, to deposit such records and papers, and any executor or administrator of any deceased Notary Public who shall neglect, for the space of three months after his appointment, to deposit with said clerk all such records and papers as shall come to his hands, shall forfeit and pay a sum not less Penalty for neglect. than fifty dollars, nor more than two hundred dollars.

Penalty for destroying or concealing papers.

(463.) SEC. 115. If any person shall knowingly destroy, deface or conceal any records or papers belonging to the office of a Notary Public, he shall forfeit and pay a sum not exceeding five hundred dollars; and such person shall also be liable to an action for damages at the suit of the party injured.

County Clerk to keep Records, etc., and give copies when required.

(464.) SEC. 116. The County Clerk shall receive, and safely keep, all there cords and papers of Notaries Public, directed to be deposited in his office, and shall give certified copies of such records and papers, under his hand and seal, when required; and for such copies he shall receive the same fees as are by law allowed to Notaries Public; and copies so given by said clerk shall be as valid and effectual as if given by a Notary Public.

Where Notaries to reside, and where they may act.
Fees.

(465.) SEC. 117. Notaries Public shall reside in the county for which they are appointed, but they may act as such Notaries in any part of this State; and they shall receive for their services such fees as are provided by law.

FILING OATHS AND BONDS BY COUNTY OFFICERS.

Certain officers to take oath, etc.

(466.) SEC. 118. Each of the officers named in this chapter, except Notaries Public and Prosecuting Attorneys, shall, before entering upon the duties of his office, and within twenty days after receiving official notice of his election, or within twenty days after the commencement of the term for which he was elected, take and subscribe the oath of office prescribed by the Constitution of this State, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the proper county, who shall file and preserve the same in his office.

Official bonds, when to be deposited with County Treasurer.

(467.) SEC. 119. Each of the said officers of whom a bond shall be required by law, except the said Treasurer, before entering upon the duties of his office, and within the time limited in the last preceding section for depositing his oath, shall deposit his bond with the said Treasurer, who shall file and preserve the same in his office; and the said Treasurer, before entering upon the duties of his office; and within the time limited in the preceding section for depositing his oath, shall deposit his bond with the clerk of the county, who shall file and preserve the same in his office.

(468.) SEC. 120. If either of the said officers shall neglect to deposit his oath or bond according to the provisions of the two last preceding sections, without giving the notice specified in the next section, or if he shall enter upon the execution of his office before he shall have so deposited his said oath or bond, he shall, in either case, forfeit and pay one hundred dollars.

Penalty for neglect.

(469.) SEC. 121. No penalty shall attach on account of any neglect to deposit such oath or bond as aforesaid, in case such officer, before entering upon the execution of his office, and within the time limited for filing such oath or bond, shall give notice in writing to the officer or officers having the power by law to order an election to fill such office, or to fill the same by appointment, stating therein that he declines accepting such office.

No penalty to attach when notice given.

(470.) SEC. 122. Whenever the Governor shall appoint a Prosecuting Attorney, the Secretary of State shall transmit his commission to the clerk of the county for which such Prosecuting Attorney was appointed, and the County Clerk, on receiving such commission, shall immediately give notice thereof to the person so appointed.

Commission of Prosecuting Attorney to be transmitted.

Clerk to give notice.

(471.) SEC. 123. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice of his appointment, appear before the County Clerk, and take and subscribe the oath of office prescribed by the Constitution, and file the same with the clerk, who shall thereupon deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the Secretary of State of the filing of such oath, and of the time of filing the same.

Person appointed to take oath before clerk.

(472.) SEC. 124. The regular terms of office of the several county officers elected at the general election, shall commence on the first Monday (*i*) of January succeeding their election; but those elected at the general election, or at a special election, to fill vacancies, may qualify and enter upon the execution of their offices immediately after being notified of their election.

Regular term of County officers, when to commence.

In case of election to fill vacancy.

(*i*) First day of January, by Section Twenty-Eight of Schedule to Constitution.

CHAPTER XI.

OF RESIGNATIONS, VACANCIES AND REMOVALS FROM OFFICE,
AND OF SUPPLYING VACANCIES.

RESIGNATIONS.		SECTION	
SECTION		484. Authority to remove County Clerk ; Clerk may be heard in defence.	
473. Resignations, to whom made.		485. When Governor may declare certain offices vacant.	
474. Duties of officers, etc., to whom Resignations are made.			
VACANCIES.		SUPPLYING VACANCIES.	
475. What events to create vacancy.		486. Governor may fill certain vacancies during recess of Legislature.	
REMOVALS FROM OFFICE.		487. When Circuit Judge may appoint person to execute duties of County Clerk, and Prosecuting Attorney; How other County offices may be filled for the time being.	
476. Certain officers may be removed for neglect.		488. Person appointed to fill vacancy to comply with directions, etc.	
477. Persons appointed to fill vacancy may be removed.		489. Officers appointed by Governor during recess, how long to hold.	
478. When Governor may remove County and Township officers.		490. Vacancies, in certain State offices, how filled.	
479. Prosecuting Attorney to conduct examinations, etc.		491. County Officers appointed by Governor to hold till expiration of regular term.	
480. Subpoenas, and enforcing obedience thereto.		492. Repeal of contravening Acts.	
481. Accused may have subpoenas.			
482. Examinations made to be transmitted to Governor.			
483. Proceedings, when charges made against Prosecuting Attorney.			

Chapter Fifteen of Revised Statutes of 1846.

RESIGNATIONS.

Resignations, to whom made.

(473.) SECTION 1. Resignations shall be made as follows :

1. By the Governor, Lieutenant Governor, and all officers elected by joint vote of the Senate and House of Representatives ; to the Legislature :

2. By officers appointed by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or both branches of the Legislature ; to the Governor :

3. By Senators and Representatives, to the presiding officers of their respective houses, who shall immediately transmit the same to the Governor :

4. By all other officers who hold their offices by election, except officers elected at township meetings ; to the officer or

officers respectively authorized by law to order a special election to fill such offices respectively :

5. By all other officers holding their offices by appointment, and not by election; to the body, board, or officer that appointed them.

(474.) SEC. 2. It shall be the duty of all officers, bodies, or boards, to whom the resignation of any office contemplated in the last preceding section, is authorized to be made, or who are authorized to fill any vacancy in any of said offices, or to order a special election therefor, when duly informed of the existence of such vacancy, to cause to be filed in the office of the Secretary of State a statement of the occurrence, with the date and cause of such vacancy.

Duties of officers etc., to whom resignations are made.

VACANCIES.

(475.) SEC. 3. Every office shall become vacant, on the happening of either of the following events, before the expiration of the term of such office :

What events to create vacancy.

1. The death of the incumbent ;
2. His resignation ;
3. His removal from office ;
4. His ceasing to be an inhabitant of this State ; or, if the office be local, of the district, county, township, city or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged ;
5. His conviction of any infamous crime, or of any offence involving a violation of his oath of office ;
6. The decision of a competent tribunal, declaring void his election or appointment ; or,
7. His refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law : *Provided*, That the Supervisor of any township, in which the office of a Township Treasurer or Justice of the Peace may become vacated by operation of this act, shall immediately transmit to the County Clerk of the county in which such Township Treasurer or Justice of the Peace resides, a notice in writing, officially signed by him, informing the County Clerk that the office of

3 Gilman, 59.

such Township Treasurer or Justice of the Peace is vacated.
(a)

REMOVALS FROM OFFICE.

Certain officers
may be removed
for neglect.

(476.) SEC. 4. The Secretary of State, Auditor General, and all State and county officers, except the State Treasurer, and Judges of the Supreme and Circuit Courts, who are, or shall be appointed by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, may, for official misconduct, or habitual or wilful neglect of duty, at any time during the recess of the Legislature, be removed, and the vacancy supplied during such recess, by the Governor.

Persons appointed
to fill vacancy
may be removed.

(477.) SEC. 5. All officers who are, or shall be appointed by the Governor to fill a vacancy which shall have existed during the recess of the Legislature, may be removed by the Governor.

When Governor
may remove
County and Town-
ship officers.

(478.) SEC. 6. The Governor shall remove all county officers chosen by the electors of any county, or appointed by him, except County Judges, Judges of Probate and County Clerks, and shall also remove all Justices of the Peace and township officers chosen by the electors of any township, when in his opinion such officer is incompetent to execute properly the duties of his office; or when he is satisfied that such officer has been guilty of official misconduct, or of wilful or habitual neglect of duty, if in his opinion such misconduct or neglect shall be sufficient cause for such removal; but no such officer shall be removed for such misconduct or neglect, unless charges thereof shall have been exhibited to the Governor, and a copy of the same served upon such officer, and an opportunity given him of being heard in his defence.

Prosecuting At-
torney to con-
duct examina-
tions, etc.

(479.) SEC. 7. The Governor may direct the Prosecuting Attorney of the county in which such officer may be, unless such Prosecuting Attorney be the officer charged, to conduct

(a) As amended by "An Act to amend Sections Three, Fourteen and Fifteen, of Chapter Fifteen of the Revised Statutes of 1846, in relation to Vacancies in Office." Approved June 27, 1851. Laws of 1851, p. 278.

an inquiry into the charges made; and such Prosecuting Attorney shall thereupon give at least eight days' notice to the officer accused, of the time and place at which he will proceed to the examination of witnesses in relation to such charges, before some Circuit Court Commissioner for the same county; and he shall also, at the time of giving such notice, serve on the officer accused a copy of such charges. (b)

(480.) SEC. 8. The Prosecuting Attorney may issue subpœnas, signed by him with his name of office, to compel the attendance of any witness whom he shall deem material, before the County Judge of the county, and such Judge shall have the same power to enforce obedience to such subpœna, by attachment, and to commit any person who shall refuse to be sworn, or to answer, as the Circuit Court would have in a civil cause pending therein.

Subpœnas, and enforcing obedience thereto.

(481.) SEC. 9. On the application of the officer accused, to the Prosecuting Attorney, or to any Justice of the Peace, he shall be entitled to the like process of subpœna, obedience to which may be enforced in the same manner as provided in the last preceding section, by the Judge before whom the inquiry may be conducted.

Accused may have subpœnas.

(482.) SEC. 10. At the time and place therein specified in the notice, the Commissioner before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the Prosecuting Attorney and the officer accused, which witnesses shall be sworn by such Commissioner; and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by, or under the direction of such Commissioner; their testimony shall then be read to, and subscribed by them, and shall be certified by the Commissioner taking the same, and delivered to the Prosecuting Attorney, who shall transmit the same to the Governor. (c)

Examinations made to be transmitted to Governor.

(483.) SEC. 11. Whenever charges shall be made against any Prosecuting Attorney, as provided in section six of this chapter, the Governor shall direct the Attorney General, or the Prosecuting Attorney of some county adjoining that in which the accused resides, or some other attorney at law, to conduct the inquiry into such charges; and such officer or

Proceedings, when charges made against Prosecuting Attorney.

(b) As amended by "An Act to Amend Chapter Fifteen of the Revised Statutes of 1846." Approved Jan. 29, 1853. Laws of 1853, p. 17.

(c) As amended by the act of Jan. 29, 1853. See last note.

attorney, when so directed, shall have, and exercise the same powers to conduct such inquiry, and shall proceed therein in the same manner, as the Prosecuting Attorney of the proper county is authorized and required to do in other cases.

1840, p. 36.

Authority to remove County Clerk.

Clerk may be heard in defence.

When Governor may declare certain offices vacant.

(484.) SEC. 12. The Judge of the Circuit Court and the Circuit Court Commissioner, shall have authority in term time or vacation, to remove the County Clerk, when, in their opinion, he is incompetent to execute properly the duties of his office; or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or wilful neglect of duty, if, in their opinion, such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said Judge or Commissioner, and notice of the hearing, with a copy of the charges, delivered to such clerk, and a full opportunity given him to be heard in his defence." (d)

(485.) SEC. 13. The office of State Treasurer, Commissioner of the Land Office, or of any other collector or receiver of public moneys, appointed by the Legislature, by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or of both branches of the Legislature, except those officers for whose removal provision is otherwise made by law, may be declared vacant by the Governor, in case it shall appear to him, on sufficient proofs, that such Treasurer, Commissioner, or other officer, has in any particular wilfully violated his duty.

SUPPLYING VACANCIES.

Governor may fill certain vacancies during recess of Legislature.

(486.) SEC. 14. When, during the recess of the Legislature, there shall be in either of the offices to be appointed by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, no officer duly authorized to execute the duties thereof, some suitable person may be selected and appointed by the Governor to perform the duties of either of said officers for the time being; and when, during the recess of the

Legislature, the term of office of any officer appointed by the Governor alone, or by the Governor, with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, shall expire, the Governor shall have power to appoint some suitable person to such office, and such person shall hold such office, unless sooner removed by competent authority, until the close of the next session of the Legislature, or until his successor is appointed, or elected and qualified. (e)

(487.) SEC. 15. When, at any time, there shall be, in either of the offices of County Clerk or Prosecuting Attorney, no officer duly authorized to execute the duties thereof, the Judge of the Circuit Court of the circuit in which the county where such vacancy exists shall be situated, may appoint some suitable person to perform the duties of either of said officers for the time being; and when at any time there shall be in either of the offices of Sheriff, Coroner, Register of Deeds, or County Surveyor, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the County Clerk and Prosecuting Attorney of the county to perform the duties of either of said offices for the time being. (f)

When Circuit Judge may appoint person to execute duties of County Clerk and Prosecuting Attorney.

How other County offices may be filled for the time being.

(488.) SEC. 16. Each of the persons appointed in pursuance of either of the two last preceding sections, shall, before proceeding to execute the duties assigned him, comply with such conditions and directions as shall be prescribed and given relative to oaths and bonds, by the officer or officers appointing him as aforesaid.

Persons appointed to fill vacancy to comply with directions, etc.

(489.) SEC. 17. All officers appointed by the Governor during the recess of the Legislature, shall continue to exercise the duties of their respective offices until the close of the next succeeding session, unless others shall be appointed in their stead by competent authority, and shall have entered upon the discharge of their respective duties.

Officers appointed by Governor during recess, how long to hold.

An Act Prescribing the Manner of Filling Vacancies in certain State Offices.

[Approved June 23, 1851. *Laws of 1851*, p. 266.]

(490.) SECTION 1. *The People of the State of Michigan enact*, That whenever, from any cause, there shall be a vacancy in the office of Auditor General, Attorney General, Secretary of

Vacancies in certain State offices; how filled.

(e) (f) See note (a).

State, or State Treasurer, Superintendent of Public Instruction, or Commissioner of the State Land Office, the Governor shall have power to appoint some suitable person to fill such vacancy, and the person so appointed shall take the same oath of office, and give a bond in the same manner as provided by law for the officer for whose vacancy he shall be so appointed; and such person shall hold such office, unless sooner removed by competent authority, until his successor shall be elected and qualified under the Constitution of this State, or until the close of the next session of the Legislature.

SEC. 2. This act shall take effect and be in force immediately.

An Act in Relation to Vacancies in County Offices filled by Appointment by the Governor.

[Approved February 17, 1857. Laws of 1857, p. 420.]

County officers
appointed by
Governor to hold
till expiration of
regular term.

(491.) SECTION 1. *The People of the State of Michigan enact,* That whenever a vacancy shall occur in any county office, and such vacancy shall have been filled by appointment by the Governor, such appointment shall continue, and the person so appointed shall hold said office during the unexpired portion of the regular term limited to such office, unless the Governor shall sooner revoke and determine such appointment.

Repeal of con-
travening Acts.

(492.) SEC. 2. That all acts and parts of acts which in anywise contravene the provisions of this act, be, and the same are hereby repealed.

This act is ordered to take immediate effect.

TITLE V.

OF TOWNSHIPS AND TOWNSHIP OFFICERS.

CHAPTER XII. Of the Powers and Duties of Townships, and Election and Duties of Township Officers.

CHAPTER XIII. Of the Division of Townships.

CHAPTER XIV. Of Fences and Fence Viewers; Of Pounds and the Impounding of Cattle.

CHAPTER XII.

OF THE POWERS AND DUTIES OF TOWNSHIPS, AND ELECTION AND DUTIES OF TOWNSHIP OFFICERS.

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From Chapter Sixteen of Revised Statutes of 1840.

(493.) SECTION 1. The limits and boundary lines of every organized township shall remain as now established, until otherwise provided by law. Boundaries of Townships.

POWERS AND DUTIES OF TOWNSHIPS.

(494.) SEC. 2. The inhabitants of each organized township shall be a body corporate, and as such may sue and be sued, and may appoint all necessary agents and attorneys in that behalf; and shall have power to purchase and hold real and personal estate for the public use of the inhabitants, and to convey, alienate and dispose of the same; and to make all contracts that may be necessary and convenient for the exercise of their corporate powers, and any orders for the disposal of their corporate property which they may judge expedient. Inhabitants of Townships to be a body corporate, and may hold and dispose of real estate, etc.

(495.) SEC. 3. The inhabitants of each township shall have power, at any legal meeting, by a vote of the qualified electors thereof, to grant and vote sums of money, not exceeding such amounts as are, or may be limited by law, as they shall deem necessary for defraying all proper charges and expenses arising in the township. May raise money, for what purposes.

(496.) SEC. 4. The inhabitants of each township may, at any legal meeting, by a vote of the qualified electors thereof, make all such orders and by-laws for determining the time and manner in which cattle, horses, swine, sheep, and other animals shall be restrained from going at large in the highways, and for directing and managing the prudential affairs of the township, as they shall judge most conducive to the peace, welfare and good order thereof. Orders and By-Laws.

(497.) SEC. 5. They may annex to such orders and by-laws suitable penalties, not exceeding ten dollars for any one breach thereof, to be recovered by complaint before any Justice of the Peace of the township or county where the offence shall have been committed. Penalties.

(498.) SEC. 6. The by-laws of any township shall, before the same shall take effect, be published, by posting up copies thereof, in three of the most public places in the township; and such by-laws, duly made and published, shall be binding By-Laws to be published.

upon all persons coming within the limits of the township, as well as upon the inhabitants thereof.

Suits, etc.

Conveyances made for use of Township.

(499.) SEC. 7. All suits, acts, or proceedings, by or against a township, in its corporate capacity, shall be in the name of such township; but every conveyance of lands within the limits of such township, made in any manner, for the use or benefit of its inhabitants, shall have the same effect as if made to the township by name.

TOWNSHIP MEETINGS.

Annual meeting, when held.

(500.) SEC. 8. The annual meeting of each township shall be held on the first Monday of April in each year; and at such meeting there shall be an election for the following officers: One Supervisor, one Township Clerk, one Treasurer, one School Inspector, two Directors of the Poor, two Assessors, if the qualified electors present at the opening of the meeting shall so determine by vote, one Commissioner of Highways, so many Justices of the Peace as there are by law to be elected in the township, and so many Constables as shall be ordered by the meeting, not exceeding four in number.

Officers to be elected.

Officers to be chosen by ballot.

(501.) SEC. 9. Each of the officers named in the last preceding section, shall be chosen by ballot; *and before proceeding to choose the officers hereinafter directed to be chosen at such meeting.* (a)

Officers to be chosen *viva voce*.

(502.) SEC. 10. There shall also be elected at such meeting, to be chosen *viva voce*, or in such manner as the meeting may direct, one Overseer of Highways for each road district, and as many Pound Masters as the meeting may direct.

Term of office of Justices.

(503.) SEC. 11. Justices of the Peace shall severally hold their offices for four years, (b) except when elected to fill a vacancy in office occurring before the expiration of the legal term of four years, and when elected to fill such vacancy, they shall hold during the unexpired portion of such term: *Provided*, that when there shall have been no previous election and classification of Justices of the Peace in any township pursuant to the sixth article of the Constitution of this State, the Justices elected at such meeting shall be classed and divided

(a) As to the last clause of this Section, see Section 531.

(b) See Section Seventeen, Article Six, of Constitution.

by lot, respectively, for one, two, three, or four years, and shall severally hold their offices accordingly.

(504.) SEC. 12. Each Commissioner of Highways shall hold his office for three years, and until his successor shall be elected and qualified, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of the regular term: *Provided*, that when there shall have been no previous election for Highway Commissioners in any township, there shall be three such Highway Commissioners elected, one for one year, one for two years, and one for three years; and, *Provided*, also, that at the annual township election, in each of the organized townships, to be held in the year one thousand eight hundred and forty-seven, there shall also be elected three such Highway Commissioners, one for one year, one for two years, and one for three years.

Term of office of Commissioners of Highways.

(505.) SEC. 13. Each School Inspector elected as aforesaid, shall hold his office for two years, and until his successor shall be elected and qualified, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of the regular term: *Provided*, that where there shall have been no previous election for School Inspectors in any township, there shall be two such Inspectors elected, one for one year, and one for two years, who shall severally hold their office accordingly.

Term of office of School Inspectors.

(506.) SEC. 14. Each of the officers elected at such meetings, except Justices of the Peace, Commissioners of Highways and School Inspectors, shall hold his office for one year, and until his successor shall be elected and duly qualified.

What officers to hold one year.

(507.) SEC. 15. Each township officer elected at a special meeting to fill a vacancy, shall hold his office during the then unexpired portion of the regular term of the office, and no longer, unless again elected.

Officers elected to fill vacancies.

(508.) SEC. 16. The annual and special township meetings shall severally be held at the place in the township where the last annual township meeting was held, or at such other place therein as shall have been ordered at a previous meeting, or when there has been no such previous meeting, at such place as shall be directed in the act or proceedings by which the township was organized, unless it shall, in either case, become inconvenient to do so.

Meetings where to be held.

(509.) SEC. 17. Whenever it shall become inconvenient to hold a township meeting at the place designated therefor, the Board of Inspectors, or a majority of them, after having assem-

When place of meeting may be changed, and meeting adjourned.

- bled at, or as near as practicable to such place, and opened the meeting, and before receiving any votes, may adjourn said meeting to the nearest convenient place for holding the same, and at such adjourned place forthwith proceed with the meeting.
- 1839, p. 122, 123.
- Proceedings on adjournment. (510.) SEC. 18. Upon adjourning any township meeting, as provided in the last section, the Board of Inspectors shall cause proclamation thereof to be made, and shall leave a constable, or some other proper person, at the place where such meeting was opened, to notify all persons arriving at such place that the meeting has been adjourned, and the place to which it has been adjourned.
- 1839, p. 123.
- For what purposes meeting may adjourn. (511.) SEC. 19. Any annual or special meeting may, by a vote of the meeting, be adjourned to any other day, and from time to time, for the purpose of transacting any proper business of the township, except for the election of officers.
- First meeting in Townships, when held. (512.) SEC. 20. The first township meeting after the organization of any township, shall be held on the first Monday in April after its organization, and at such meeting there shall be an election for such officers as are by law to be elected at township meetings.
- 1839, p. 16, Sec. 1.
- Proceedings at first meeting in Township. (513.) SEC. 21. At the first township meeting in any township, the qualified electors present, between the hours of nine and ten o'clock in the forenoon, shall choose one of their number as Moderator, one of their number as clerk, and two others of their number as Inspectors, who shall severally take the oath of office prescribed by the twelfth article of the Constitution, and shall conduct the proceedings of such meeting in all respects as other township meetings are required by law to be conducted, as near as may be, and with the same powers.
- 1839, p. 17, Sec. 2.
- Const., Art. 18, Sec. 1.
- In case of failure, Meeting how called. (514.) SEC. 22. If the inhabitants of any newly organized township shall fail to hold their first township meeting on the day specified by law, any three qualified voters of such township may call a meeting of the electors of such township, for such township election, at any time thereafter, by posting up notices thereof in not less than three public places in such township, at least ten days previous to the holding of such meeting.
- 1839, p. 17, Sec. 3.
- Who to administer oaths. (515.) SEC. 23. At such first township meeting, the Moderator shall administer the oath of office to the other Inspectors, and either of the other Inspectors, after having been so qualified, may administer the like oath to the Moderator.
- 1839, p. 17, Sec. 4.

(516.) SEC. 24. Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur, if the Township Board shall deem it expedient, and make their order therefor; and in case the said Township Board become disorganized, or reduced below the number of a quorum, as provided by law, by, or through the death or removal of the officers composing the same, or from any other cause, then such special township meeting may be called and proceeded in, in all respects, as in the case of newly organized townships. (c)

Special Township Meetings to fill vacancies; how held.

(517.) SEC. 25. Special township meetings shall also be held, for the purpose of transacting any other lawful business, when ordered by the Township Board, on a request to them in writing, signed by any twelve electors of the township, specifying therein the purposes for which such meeting is to be held; and the mode of proceeding at all special meetings shall be the same as at the annual meetings.

Special Meetings for other purposes.

(518.) SEC. 26. Every order for a special township meeting shall specify the purpose for which it is to be held, and the time when, and the place where it shall be held; and if any vacancies in office are to be filled at such meeting, such order shall state in what offices vacancies exist, how they occurred, and who were the last incumbents, and if the vacancy be in the office of Justice of the Peace, such order shall also state at what time the Constitutional term of office will expire.

Orders for Special Meeting what to specify.

(519.) SEC. 27. The time appointed for holding any special township meeting shall not be more than twenty, nor less than fifteen days from the time of making the order therefor; and such order shall be left with the Township Clerk within two days after the making thereof, and shall be recorded in his office.

Within what time after order meeting to be held.

(520.) SEC. 28. The said clerk shall, within two days after such order shall be left with him, cause copies thereof to be posted up in three of the most public places in the township; and if there be a newspaper printed in such township, he shall also cause a copy to be published therein, if practicable, at least five days before the day appointed for such special meeting.

Clerk to give notice.

(c) As amended by "An Act to amend Section Twenty-Four of Chapter Eighteen of the Revised Statutes of Eighteen Hundred and Forty-Six, entitled, 'Of the Powers and Duties of Townships, and Election, and Duties of Township Officers.'" Approved January 29, 1853. Laws of 1853, p. 22.

No notice of Annual Meeting. (521.) SEC. 29. No notice of the annual township meetings shall hereafter be necessary.

MANNER OF CONDUCTING ELECTIONS.

Inspectors of Election. (522.) SEC. 30. At the election of officers required to be chosen by ballot at the annual township meeting, the Inspectors of election shall be the same as at the general election.

Township Clerk to keep minutes. (523.) SEC. 31. The Township Clerk shall be the clerk of the township meeting, and shall keep faithful minutes of its proceedings, and a correct list of the persons voting at the election; and he shall enter at length in his minutes every order or direction, and all rules and regulations made by such meeting.

When Clerk of Meeting to be appointed by Inspectors. (524.) SEC. 32. If the Township Clerk be absent, then such person as shall be appointed by the Inspectors for that purpose shall act as clerk of the meeting, first taking an oath, to be administered by one of the Inspectors, that he will faithfully perform the duties of his office according to the best of his ability.

Opening and closing of poll. (525.) SEC. 33. The polls of the election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be closed between the hours of three and six o'clock in the afternoon, and the Inspectors shall cause proclamation to be made at least one hour before the closing of the polls, that the polls of the election will be closed at, or within the specified hour, naming it.

Ballots to be deposited in box. (526.) SEC. 34. When the election is by ballot, the Inspectors shall deposit the ballots in a box, to be constructed, kept and disposed of, as near as may be, in the manner prescribed in chapter five.

Ballots, what to contain, etc. (527.) SEC. 35. The ballot shall be a paper ticket, with the names of the persons for whom the elector intends to vote, written or printed, or partly written and partly printed thereon; and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names as designated to any office, than there are persons to be chosen at such election to fill such office, and each ballot shall be so folded as to conceal the contents, and shall be delivered to one of the Inspectors.

Designation of (528.) SEC. 36. If at any election there shall be one or more

vacancies to be supplied, in the office of Justice of the Peace, ^{persons to fill vacancy.} School Inspectors, or Commissioners of Highways, and at the same election, any such officer is to be elected for the full term, it shall be necessary to designate on the ballot the person or persons voted for to supply such vacancy or vacancies.

(529.) SEC. 37. If any person offering to vote at such election, ^{Challenges.} or upon any question arising at such township meeting, shall be challenged as unqualified by any Inspector, or any elector entitled to vote at such meeting, the Inspectors shall proceed thereupon in the manner prescribed in chapter five, in case of a challenge at the general election; and no person whose vote shall have been received upon such challenge, shall be again challenged upon any other question, arising at the same township meeting.

(530.) SEC. 38. The Inspectors, or officer presiding, shall ^{Authority to preserve order, etc.} have the same authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the Board of Inspectors at a general election.

(531.) SEC. 39. Between the hours of twelve o'clock at noon, ^{Viva voce votes and elections.} and three o'clock in the afternoon, there shall be elected the other officers to be elected at said meetings; and all business of said meetings requiring a *viva voce* vote (except that required by section eight of said [this] chapter), shall be then transacted. (d)

(532.) SEC. 40. All questions upon motions made at township meetings, shall be determined by a majority of the ^{Questions upon motions, how determined.} electors voting; and the officer presiding at such meeting shall ascertain and declare the result of the votes upon each question.

CANVASS OF VOTES.

(533.) SEC. 41. The votes given by ballot shall be publicly canvassed by the Inspectors, at the place where the meeting ^{Canvass of votes and determination of result.} was held, and the result shall be read by the clerk to the persons there assembled; and such reading shall be sufficient notice to all persons elected at that election to any office, whose names are on the poll list as voters.

(d) Substituted for original Section 39, by "An Act to repeal Section Thirty-Nine of Chapter Sixteen, of the Revised Statutes of 1846, and to substitute a new Section therefor, to stand as Section Thirty-Nine of said Chapter." Approved February 10, 1855. Laws of 1855, p. 137.

Ballots to be counted and compared with poll list.

(534.) SEC. 42. Before the ballots are opened, they shall be counted and compared with the poll list, and the like proceedings shall be had as to ballots folded together, and as to differences in number, as are prescribed in chapter five.

Statement of result, etc.

(535.) SEC. 43. The canvass being completed, and the result ascertained, the Inspectors shall draw up a statement in writing, setting forth, in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, which statement shall be certified under the hands of the Inspectors to be correct.

Statement of determination to be certified and recorded.

(536.) SEC. 44. The Inspectors shall also certify upon such statement, their determination of the persons elected to the respective offices, including as well those elected without ballot, as those elected by ballot; which statement and certificate of determination shall be left with the Township Clerk, and recorded in his office.

Who to be deemed elected; when choice to be determined by lot.

(537.) SEC. 45. The persons having received the greatest number of votes given for any office at such election, shall be deemed and declared duly elected; and if two or more persons shall have received an equal number of votes for the same office, the Inspectors of election shall determine the choice by lot, and shall declare and certify the same accordingly.

TOWNSHIP OFFICERS.

Oath of office.

(538.) SEC. 46. All officers, except Justices of the Peace, required to be elected at township meetings by ballot, shall, before entering upon the duties of their offices, and within ten days after notice of their election, respectively take and subscribe the oath of office prescribed by the twelfth article of the Constitution, before the Township Clerk, or some other officer authorized to administer oaths, and file the same with the Township Clerk, who shall record the same: and such oath shall be administered without reward, and certified by the officer before whom the same was taken, with the date of taking the same.

Clerks, when to notify persons elected.

(539.) SEC. 47. Within two days after the election of any officers at a township meeting, the clerk shall transmit to each person elected to any township office, and whose name shall not have been entered on the poll list at such election as a voter, a notice of his election; and each Overseer of Highways

and Pound Master elected at such meeting, shall, within ten days after notice of his election, file with the said clerk a notice in writing of his acceptance, and in default thereof he shall be deemed to have refused to serve.

(540.) SEC. 48. The persons so elected Justices of the Peace, shall enter upon the duties of their offices respectively, ^{When Justices to enter upon their duties.} as follows :

1. Those elected for the full term of four years, on the fourth day of July next succeeding their election ;

2. Those elected to fill vacancies, and those elected at the first township meeting in any new township, immediately upon the filing of their oath of office and security with the County Clerk, as required by law.

(541.) SEC. 49. When a new township shall be organized, ^{Justices residing in new townships.} if there be one or more Justices of the Peace residing therein, they shall be deemed Justices thereof, and shall hold their offices according to their respective classes ; and only so many Justices shall be chosen as shall be necessary to complete the number of four for such township.

(542.) SET. 50. Within six days after the election of Justices ^{Classification of Justices.} of the Peace in such new township, the Supervisor shall give notice in writing to the Justices elected, and to the Township Clerk, of the time and place when and where he will meet them, to determine by lot the classes of such Justices ; ^{1836, p. 20, Sec. 6.} which notice shall be served at least six, and not more than twelve days, previous to the time appointed therein for such meeting.

(543.) SEC. 51. At the time and place so appointed, the Supervisor and Township Clerk shall cause to be written on ^{Mode of classifying.} separate pieces of paper, as near alike as may be, the numbers one, two, three, four, or such, and so many of such numbers as shall correspond with the classes which shall be vacant, and shall cause them to be rolled up as nearly alike as may be, and deposited in a box ; and the persons elected Justices shall ^{1836, p. 21, Sec. 7.} severally draw one of the said pieces of paper, and shall be classed according to the number written on the paper so drawn by him, and shall hold his office for such number of years, either one, two, three, or four, as shall correspond with such number so drawn.

(544.) SEC. 52. If any person elected a Justice shall neglect ^{When Supervisor to draw for absent Justices.} to attend such drawing, the Supervisor shall draw for him ; but if the Supervisor be absent from his township, or unable to serve, or his office be vacant, the Township Clerk shall ^{1836, p. 21, Sec. 8.}

give the notice, and perform the duties herein enjoined on such Supervisor.

Certificates of classification to be made and recorded.

(545.) SEC. 53. Duplicate certificates of such drawing, and of the result thereof, shall be made and certified by the Supervisor and Township Clerk, or such one of them as shall attend the same, one of which shall be filed with the Township Clerk, and the other with the County Clerk, and shall be recorded by said clerks in the books in which the canvass of votes shall have been recorded, and shall be conclusive evidence of the classes to which the Justices so elected belong.

Classification in case of election to fill vacancies.

(546.) SEC. 54. In case more than one existing vacancy in the office of Justices of the Peace shall be supplied by election at any township meeting, the classes of the persons elected to fill the same shall be determined by lot, within the time, and in the manner prescribed for classifying Justices elected in new townships.

Penalty on officers for neglect to qualify.

(547.) SEC. 55. If any person elected to any township office, except that of Justice of the Peace, of whom an oath of office is required, who is not exempted by law from holding the office to which he is elected, shall not, within ten days after notice of his election, take and subscribe the oath of office required by law, and cause the same to be filed with the Township Clerk, or if any such officer of whom a bond or security shall be required, shall not file such bond or security within the time above limited for filing his said oath, he shall forfeit and pay the sum of ten dollars; and if any person elected to the office of Overseer of Highways or Pound Master, and not exempted by law from holding such office, shall refuse to serve, he shall forfeit and pay the like sum, unless the person selected shall file with the clerk of his township, within said ten days, a written notice stating that he declines accepting the office. (e)

RESIGNATIONS, VACANCIES, AND SUPPLYING VACANCIES.

How resignations made.

(548.) SEC. 56. Resignations of all officers elected at township meetings shall be in writing, signed by the officer resigning, and addressed to the Township Board, and shall be delivered to and filed by the Township Clerk; and when a

Justice of the Peace resigns, such clerk shall immediately transmit a copy of such resignation, certified by him, to the County Clerk.

(549.) SEC. 57. Every township office, including the office of Justice of the Peace, shall become vacant, upon the happening of either of the events specified in chapter fifteen, as creating a vacancy. When office to become vacant.

(550.) SEC. 58. Whenever there shall be a vacancy, or when the incumbent shall, from any cause, be unable to perform the duties of his office, in either of the township offices, except that of Justice of the Peace and Township Treasurer, the Township Board may make temporary appointments of suitable persons to discharge the duties of such offices respectively; and such persons, so appointed, shall take the oath of office, or file the notice of acceptance required by law, and shall continue to discharge such duties until the office is filled by election, or until the disability aforesaid be removed. Temporary appointments in certain cases to be made by Township Board. 1843, p. 20.

(551.) SEC. 59. In case the Treasurer of any township shall refuse to serve, or shall vacate his office before completing the duties thereof, or be disabled from completing the same, by reason of sickness or any other cause, the Township Board shall forthwith appoint a Treasurer for the remainder of the term, who shall give like security, and be subject to like duties and responsibilities, and have the same powers and compensation as the Treasurer in whose place he was appointed, and the Township Clerk shall immediately give notice thereof to the County Treasurer; but such appointment shall not exonerate the former Treasurer, or his sureties, from any liability incurred by him or them. When Township Treasurer to be appointed by board.

SUPERVISOR.]

(552.) SEC. 60. The Supervisor of each township shall prosecute, in the name of the People of this State, or otherwise, as may be necessary, for all penalties and forfeitures incurred within his township, and for which no other officer is specially directed to prosecute. Supervisor to prosecute for penalties.

(553.) SEC. 61. He shall, by virtue of his office, be an Assessor of his township. To be an Assessor. 1843, p. 64, Sec. 12.

(554.) SEC. 62. The Supervisor shall preserve and keep all books, assessment rolls, and other papers belonging to his office, and shall deliver the same on demand to his successor. Supervisor to preserve books, etc., and give copies.

1843, p. 70.

in office; and on application of any person, he shall give certified copies of any such papers, or abstracts from any assessment roll or books in his office; and for making any such copies or abstracts, he shall be entitled to receive from the person applying therefor, six cents for each folio; but no such copy, or abstract and certificate, shall be required for less than twelve and a half cents; and such certified copies or abstracts shall be presumptive evidence of the facts therein contained.

To attend Meetings of Board of Supervisors.

(555.) SEC. 63. The Supervisor of each township shall attend the annual meeting of the Board of Supervisors of the county, and every adjourned or special meeting of such board of which he shall have notice.

To lay before Board entries concerning moneys to be raised.

(556.) SEC. 64. Each Supervisor shall lay before the Board of Supervisors such copies of entries concerning moneys voted to be raised in his township, as shall be delivered to him by the Township Clerk.

TOWNSHIP CLERK.

Township Clerk to keep records, etc., of Township.

(557.) SECTION 65. The Township Clerk of each township shall have the custody of all the records, books and papers of the township, when no other provision is made by law; and shall duly file and safely keep all certificates of oaths, and other papers required by law to be filed in his office, and record such as are required to be recorded therein. He shall also open and keep an account with the Treasurer of his township, and shall charge such Treasurer with all funds which shall come into his hands by virtue of his office, and shall credit him with all moneys paid out by him on the order of the proper authorities of his township. He shall also open and keep a separate account with each of the several funds belonging to his township, and shall credit each of said funds with such amounts as properly belong to them, and shall charge them severally with all warrants drawn on the Township Treasurer, and payable from said funds respectively. (f)

Minutes of Township Meeting.

(558.) SEC. 66. He shall transcribe in the book of Records of his township the minutes of the proceedings of every township meeting held therein, and he shall enter in such book

every order or direction, and all rules and regulations made by any such township meeting.

(559.) SEC. 67. The Township Clerks, immediately after the qualifying of any constables, chosen or appointed in their respective townships, shall return to the clerks of their respective counties the names of such constables.

To return to County Clerk names of Constables.

(560.) SEC. 68. Each Township Clerk shall, immediately after the election of any Justices of the Peace in his township, transmit a written notice thereof to the County Clerk, stating therein the names of the persons so elected, and the terms for which they were respectively elected; and if one or more of them has been elected to fill a vacancy, he shall state in such notice who was the last incumbent of the office.

To give notice of election of Justices.

(561.) SEC. 69. Each Township Clerk shall, immediately on entering upon the duties of his office, appoint a deputy, who shall take an oath of office, and file the same with the clerk; and in case of the absence, sickness, death, or other disability of the clerk, such deputy shall perform the duties of such clerk, and receive the same compensation as the clerk would have been entitled to receive therefor.

To appoint a deputy; Duties of deputy.

TOWNSHIP BOARD.

(562.) SECTION 70. The Supervisor, the two Justices of the Peace, whose term of office will soonest expire, and Township Clerk, shall constitute the Township Board, any three of whom shall constitute a quorum for the transaction of business.

Who shall constitute Township Board.

(563.) SEC. 71. When, from any cause, there shall not be three of the officers constituting such board, competent or able to act, one of the remaining Justices, on being notified by any member of said board, shall meet with any members of the board, and shall have the same authority as the other members of the board.

When quorum not present, one of remaining Justices to act.

(564.) SEC. 72. The Township Board shall meet annually on the Tuesday next preceding the annual township meeting to be held in such township, for the purpose of auditing and settling all claims against the township; and they shall state on each account the amount allowed by them; and the amounts allowed by them shall be paid by the Treasurer, on the order of the board, signed by their clerk, and countersigned by the chairman of the board.

Annual Meeting of Township Board for auditing accounts, etc.

(565.) SEC. 73. The said board shall, at their annual meeting

Settlement with

Treasurer and other officers. in each year, examine and audit the accounts of the Township Treasurer, for all moneys received and disbursed by him as such Treasurer; and they shall also audit and settle the accounts of all other township officers, who are authorized by law to receive or disburse any public moneys by virtue of their offices.

Clerk of Board. (566.) SEC. 74. The Township Clerk shall be the clerk of such board, and shall keep a true record of all their proceedings in his office.

All accounts to be filed, and produced at Annual Meeting. (567.) SEC. 75. All the accounts audited by such board shall be filed and preserved by such clerk, for the inspection of any of the inhabitants of the township, and shall be produced at the next annual township meeting, and there read by him, if the same shall be required by the meeting.

TREASURER.

Duties of Treasurer. (568.) SEC. 76. The Township Treasurer shall receive and take charge of all moneys belonging to the township, or which are by law required to be paid into the township treasury, including all moneys that may accrue to his township on account of non-resident highway taxes, and shall pay over and account for the same, according to the order of such township, or the officers thereof duly authorized in that behalf; and shall perform all such other duties as shall be required of him by law.

1841, p. 159, Sec. 4.

Bond of Treasurer. (569.) SEC. 77. Each Township Treasurer, within the time limited for filing his oath of office, and before he shall enter upon the duties of his office, shall give bond to the township in such sum, and with such sureties, as the Supervisor shall require and approve, conditioned for the faithful discharge of the duties of his office, and that he will faithfully and truly account for, and pay over according to law, all moneys which shall come into his hands, as such Treasurer; and the Supervisor shall endorse his approval thereon, and file the same in his office.

Treasurer to keep account of receipts and expenditures. (570.) SEC. 78. Each Township Treasurer shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to be provided for that purpose at the expense of the township, and to be delivered to his successor in office.

(571.) SEC. 79. On the Tuesday next preceding the annual township meeting, he shall account with the Township Board of the township for all moneys received or disbursed by him. To settle with Township Board.

CONSTABLES.

(572.) SEC. 80. Every person elected or appointed to the office of Constable, before he enters upon the duties of his office, and within the time prescribed by law for filing his official oath, shall execute, with sufficient sureties, to be approved by the Supervisor or clerk of his township, an instrument in writing, by which said Constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay, on account of any neglect or default of said Constable, in the service or return of any process that may be delivered to him for service or collection. (g)

(573.) SEC. 81. Such Supervisor or Township Clerk shall endorse on such instrument his approbation of the sureties therein named, and shall then cause the same to be filed in the office of the Township Clerk, and a copy of such instrument, certified by the Township Clerk, shall be presumptive evidence of the contents and execution thereof, and all actions against a Constable or his sureties, upon any such instrument, shall be prosecuted within two years after the expiration of the year for which the Constable named therein shall have been elected. Constable to give security.

(574.) SEC. 82. Constables shall serve all warrants, notices, and process lawfully directed to them by the Township Board, or the Township Clerk, or any other officer, and shall perform such other duties as are required of them by law. To serve warrants, notices, etc.

(575.) SEC. 83. Any Constable may serve any writ, process, or order lawfully directed to him, in any township in his county. Constable may serve process in any Township in his County.

(576.) SEC. 84. Constables shall be ministerial officers of Justices of the Peace, and shall attend upon the sessions of the Circuit Courts for their respective counties, when notified for that purpose by the Sheriff. Constables ministerial officers, and to attend Courts.

(g) As amended by "An Act to Amend Section Eighty, of Chapter Sixteen, in Title Four of the Revised Statutes of eighteen hundred and forty-six." Approved February 10, 1855. Laws of 1855, p. 84.

COMMISSIONERS AND OVERSEERS OF HIGHWAYS.

Penalty on Commissioners and Overseers of Highways for neglect of duty.

(577.) SEC. 85. Every Commissioner of Highways, and every Overseer of Highways, having accepted his office, shall, for every neglect of the duties of his office, forfeit the sum of ten dollars.

May be indicted for deficiency in Highways.

(578.) SEC. 86. Any of the said Commissioners or Overseers of Highways may be prosecuted by indictment, for any deficiency in the highways within his limits, occasioned or continued by his fault or neglect; and on conviction thereof, may be fined in any sum not exceeding fifty dollars.

Commissioners and Overseers of Highways to give bond.

(579.) SEC. 87. Each of the said Commissioners and Overseers of Highways, before entering upon the duties of his office, and within the time limited by law for filing his official oath, shall give bond to the township in the penal sum of five hundred dollars in the former, and two hundred and fifty dollars in the latter case, with one or more sufficient sureties, to be approved by the Supervisor, or by the Township Clerk, conditioned for the faithful performance of the duties of his office, and the faithful disbursement of all moneys that may come into his hands by virtue of his office: *Provided*, In the case of the Overseer of Highways, the Township Board shall so signify in writing, given under their hands on the day of the election of said Overseer. (*h*)

Proviso.

Approving and filing bond.

(580.) SEC. 88. The Supervisor or Township Clerk shall endorse his approval on such bond, and shall cause the same to be filed with the Township Clerk, who shall safely keep the same in his office.

Clerk of Commissioners, his duties.

(581.) SEC. 89. The Township Clerk of each township shall be the Clerk of the Board of Commissioners of Highways, and shall, under their direction, record their proceedings in a suitable book, to be provided by him for that purpose at the expense of his township, and shall keep an accurate account of all orders drawn by them on the Township Treasurer, stating the amount of each, and in whose favor the same was drawn; and all books and papers relating to the business of said Commissioners, shall be preserved and kept by him in his office.

1841, p. 152, Sec. 2 and 3.

(*h*) As amended by "An Act to Amend Chapter Sixteen, Title Four, Section Eighty-Seven, of the Revised Statutes of eighteen hundred and forty-six." Approved Feb. 16, 1857. Laws of 1857, p. 384.

JUSTICES OF THE PEACE.

(582.) SEC. 90. Each Justice of the Peace elected to fill a vacancy, and each Justice elected for a term less than four years, within ten days after notice of his election, and each Justice of the Peace elected for the full term of four years, on or before the fourth day of July next after his election, shall take and subscribe his oath of office before some officer authorized to administer oaths, and file the same with the County Clerk.

(583.) SEC. 91. Each Justice of the Peace, before he enters upon the duties of his office, and within the time limited by law for filing his official oath, shall execute, in the presence of the Supervisor of his township, or of the County Clerk, with one or more sufficient sureties, to be approved of by such Supervisor or County Clerk, an instrument in writing, by which such Justice and his sureties shall jointly and severally agree to pay to each and every person entitled thereto, all such sums of money as such Justice shall become liable to pay, for, or on account of any money which may come into his hands as a Justice of the Peace, upon demand thereof made by such person, his agent or attorney.

(584.) SEC. 92. Such Supervisor or County Clerk shall endorse on such instrument his approval of the sureties therein named, and such Justice shall then cause the same to be filed in the office of the County Clerk, and a copy of such instrument, certified by such clerk under his hand and seal, shall be presumptive evidence of the contents and execution thereof.

(585.) SEC. 93. If any Justice of the Peace shall fail to comply with such agreement, it shall be competent for any person to whom such Justice shall have become liable by reason of such failure, to sue such Justice and his sureties, or any of them, in assumpsit, and to declare against them generally, for money had and received to the use of the plaintiff, and if the plaintiff, on the trial of such suit, shall establish his right to recover, he shall have judgment for principal, interest and costs.

(586.) SEC. 94. If any Justice of the Peace shall enter upon the execution of his office before having filed his official oath, or such agreement as aforesaid, as required by law, he shall forfeit the sum of one hundred dollars.

COMPENSATION TO TOWNSHIP OFFICERS.

Compensation of
certain Township
officers, for cer-
tain services.

(587.) SEC. 95. The following township officers shall be entitled to compensation, at the following rates, for each day actually and necessarily devoted by them to the service of the township, in the duties of their respective offices, to be verified by affidavit in all cases :

1840, p. 27, Sec. 3.

1. The officers composing the Township Board, Assessors, Inspectors of Election, Clerks of the Poll, Commissioners of Highways, School Inspectors, and Directors of the Poor, one dollar a day, and at the same rates for parts of a day ;

1843, p. 70, Sec. 29.

2. The Township Clerk, as Clerk of the Board of Commissioners of Highways, of the Township Board, and of the Board of School Inspectors, one dollar a day, and at the same rates for parts of a day ; but no township officer shall be entitled to pay for acting in more than one capacity at the same time.

Compensation for
other services.

(588.) SEC. 96. For services not otherwise provided for by law, rendered to townships by township officers in the duties of their respective offices, the Township Board shall audit and allow such compensation as they shall deem reasonable.

TOWNSHIP BUSINESS, OTHER THAN ELECTIONS.

Moderator of
Township Meet-

(589.) SEC. 97. In the transaction of any business other than the election of officers in any township meeting, the Supervisor, if present, shall be the Moderator of the meeting ; and if he shall not be present, any other of the Inspectors of election, except the clerk, who shall be designated by the Inspectors present, shall be the Moderator ; or the meeting, under the direction of the Inspectors present, may elect, *viva voce*, a Moderator of the meeting.

Powers and du-
ties of Moderator.

(590.) SEC. 98. The Moderator shall preside in, and regulate the proceedings of the meeting ; he shall decide all questions of order, and make public declaration of all votes passed ; and when any vote so declared by him shall immediately upon such declaration be questioned by seven or more of the voters, he shall make the vote certain by polling the voters, or dividing the meeting, unless the township shall, by a previous vote, or by their by-laws, have otherwise provided.

(591.) SEC. 99. No person shall address the meeting before permission obtained of the Moderator, nor while any other person is speaking by his permission; and all persons at such meeting shall be silent at the request of the Moderator. Powers and duties of Moderator.

(592.) SEC. 100. If, at any township meeting any person shall conduct himself in a disorderly manner, and, after notice from the Moderator, shall persist therein, the Moderator may order him to withdraw from the meeting; and on his refusal, may order the constables, or any other persons, to take him into custody until the meeting be adjourned. Disorderly conduct at Township Meetings.

(593.) SEC. 101. Any person who shall refuse to withdraw from such meeting, on being ordered by the Moderator to do so, as provided in the preceding section, shall, for every such offence, forfeit a sum not exceeding twenty dollars. Penalty for disregarding order of Moderator.

QUALIFICATIONS OF VOTERS AND OFFICERS.

(594.) SEC. 102. Each inhabitant of any township, having the qualifications of an elector, as specified in the Constitution of this State, and no other person, shall have a right to vote on all matters and questions before any township meeting, and when any person claiming the right to vote shall be challenged by a voter, the Moderator shall proceed in the same manner as on challenges at the election of township officers. Who may vote; challenges.

(595.) SEC. 103. No person, except an elector as aforesaid, shall be eligible to any elective office contemplated in this chapter. Eligibility to office.

An Act to Amend Chapter Sixteen of the Revised Statutes of Eighteen Hundred and Forty-Six.

[Approved April 3, 1848. Laws of 1848, p. 253.]

(596.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Supervisor of each township shall be the agent for his township, for the transaction of all legal business, by whom suits may be brought and defended, and upon whom all process against the township shall be served. Supervisor to be agent for his Township.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act to Authorise Township Boards to raise Money in certain cases, to defray Township Expenses.

[Approved March 31, 1849. Laws of 1849, p. 244.]

Township Boards
to raise money
for town purposes
when Township
Meeting have ne-
glected to do so.

(597.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever the qualified electors of any township, at the annual township meeting, shall neglect or refuse to vote such sum or sums of money as may be necessary to defray the ordinary township expenses, the Township Board of any such township is hereby authorized, at any regular meeting, to vote such sum or sums as may be necessary for that purpose, not exceeding such amounts as are, or may be limited by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XIII.

OF THE DIVISION OF TOWNSHIPS.

SECTION

598. Division of Lands on Division of Township, and Apportionment of Proceeds.

599. Proceedings on Alteration of Township.

600. If no Agreement is made, Lands to be sold.

SECTION

601. Moneys, etc., how Apportioned in case of Division, etc.

602. Meeting of Township Boards, how called.

603. Qualification of preceding Sections.

604. Debts, how Apportioned.

Chapter Seventeen of Revised Statutes of 1846.

Disposition of
lands on division
of Township, and
apportionment of
proceeds.

(598.) SECTION 1. When a township seized of lands shall be divided into two or more townships, the Township Boards of the several townships constituted by such division, shall meet as soon as may be after the first township meetings subsequently held in such townships, and when so met, shall have power to make such agreement concerning the disposition to be made of such township lands, and the apportionment of the

proceeds in case of a sale thereof, as they shall think equitable, and to take all measures, and execute all conveyances which may be necessary to carry said agreement into effect.

(599.) SEC. 2. When a township shall be altered in its limits, Proceedings on alteration of Township. by annexing a part of its territory to another township, or townships, the Township Board of the township from which such territory shall be taken, and of the township, or townships, to which the same shall be annexed, shall, as soon as may be after such alteration, meet for the purpose, and possess the powers provided in the preceding section.

(600.) SEC. 3. If no agreement for the disposition of such If no agreement is made, lands to be sold. lands shall be made by the Township Boards within six months after such alteration or division, then the Township Board of each township in which any portion of such lands shall lie, shall proceed, as soon as may be thereafter, to sell and convey such part of said lands as shall be included within the limits of such township; and the proceeds arising from such sale shall be apportioned between the several townships interested therein, by the Township Boards of all such townships, according to the amount of taxable property in the township divided or altered, as it existed immediately before such division or alteration, to be ascertained by the last assessment roll of such township.

(601.) SEC. 4. When a township possessed of, or entitled to Moneys, etc., how apportioned in case of division, etc. money, rights and credits, or other personal estate, shall be so divided or altered, such moneys, rights, credits and personal estate, including moneys belonging to the township, in the hands of township officers, shall be apportioned between the townships interested therein, by the Township Boards of such townships, according to the rule of apportionment above prescribed; and they shall meet for that purpose as soon as may be after the first township meetings subsequently held in such townships.

(602.) SEC. 5. Whenever a meeting of the Township Boards Meeting of Township Boards, how called. of two or more townships shall be required, in order to carry into effect the provisions of this chapter, such meeting may be called by either of the Supervisors; but the Supervisor calling the same shall give at least six days' notice in writing to all the other officers, of the time and place at which such meeting is to be held.

(603.) SEC. 6. The preceding sections of this chapter shall Qualification of preceding Sections. not apply to any cemetery or burying grounds belonging to a township; but the same shall belong to the township within

which it may be situated, after a division shall have been made.

Debts, how ap-
portioned.

(604.) SEC. 7. Debts owing by a township so divided or altered, shall be apportioned in the same manner as the personal property of such township; and each township shall thereafter be charged with, and pay its share of the debts, according to such apportionment.

CHAPTER XIV.

OF FENCES AND FENCE VIEWERS; OF POUNDS, AND THE IMPOUND- ING OF CATTLE.

SECTION

- 605. What constitutes lawful Fence.
- 606. Partition Fences, how maintained.
- 607. Proceedings in case of neglect to repair or rebuild.
- 608. Remedy of complainant for repairs, etc.
- 609. In case of controversy, Fence Viewers to assign.
- 610. In case of neglect, etc., party erecting and maintaining Fence entitled to double the value.
- 611. When occupant to pay for portion of Fence assigned to him.
- 612. Partition Fence to be kept repaired through the year.
- 613. When Lands divided or bounded by rivers, etc., and parties disagree, Viewers may be had.
- 614. Proceedings of Fence Viewers.
- 615. When Lands owned in severalty have been occupied in common, any occupant may have lines divided.

SECTION

- 616. When Viewers may assign time for making Fence; consequence of neglect.
- 617. When Partition Fence not to be removed.
- 618. When occupant or owner to pay one half of Partition Fence, etc.
- 619. When a Fence Viewer to be taken from each Township.
- 620. Fences running into Water.
- 621. When line of unimproved Lands divided, who to erect Fences.
- 622. Notice on determination not to improve Lands.
- 623. Who to be Fence Viewers.
- 624. Penalty for neglect.
- 625. Compensation of Fence Viewers.
- 626. Townships to provide and maintain Pounds.
- 627. Punishment for injury to Pounds.
- 628. Damages not to be recovered for trespass on Lands not enclosed by legal Fence.

Chapter Eighteen of Revised Statutes of 1846.

FENCES AND FENCE VIEWERS.

What constitutes
lawful fence.

(605.) SECTION 1. All fences four and a half feet high, and in good repair, consisting of rails, timber, boards, or stone walls,

or any combination thereof, and all brooks, rivers, ponds, creeks, ditches and hedges, or other things which shall be considered equivalent thereto, in the judgment of the Fence Viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences.

(606.) SEC. 2. The respective occupants of lands enclosed with fences, shall keep up and maintain partition fences between their own and the next adjoining enclosures, in equal shares, so long as both parties continue to improve the same. Partition fences, how maintained.

(607.) SEC. 3. In case any party shall neglect to repair or rebuild any partition fence, which of right he ought to maintain, the aggrieved party may complain to two or more Fence Viewers of the township, who, after due notice to each party, shall proceed to examine the same; and if they shall determine that the fence is insufficient, they shall signify the same in writing to the delinquent occupant of the land, and direct him to repair or rebuild the same within such time as they shall judge reasonable; and if such fence shall not be repaired or rebuilt accordingly, it shall be lawful for the complainant to repair or rebuild the same. Proceedings in case of neglect to repair or rebuild.

(608.) SEC. 4. When any deficient fence, built up or repaired by any complainant as provided in the preceding section, shall be adjudged sufficient by two or more of the Fence Viewers, and the value of such repairing or building up, together with their fees, shall be ascertained by a certificate under their hands, the complainant shall have a right to demand, either of the occupant or owner of the land where the fence was deficient, double the sum so ascertained; and in case of neglect or refusal to pay the sum so due, for one month after demand thereof made, the complainant may recover the same, with interest, at one per cent. a month, in an action for money paid, laid out and expended. Remedy of Complainant for repairs, etc.

(609.) SEC. 5. When any controversy shall arise about the rights of the respective occupants, in partition fences, or their obligation to maintain the same, either party may apply to two or more Fence Viewers of the township where the lands lie, who, after due notice to each party, may in writing assign to each his share thereof, and direct the time within which each party shall erect or repair his share of the fence in the manner before provided; which assignment, being recorded in the Township Clerk's office, shall be binding upon the parties, and upon all the succeeding occupants of the lands; In case of controversy, Fence Viewers to assign.

and they shall be obliged always thereafter to maintain their respective portions of said fence.

In case of neglect, etc., party erecting and maintaining fence entitled to double the value.

(610.) SEC. 6. In case any party shall refuse or neglect to erect and maintain the part of any fence assigned to him by the Fence Viewers, the same may be erected and maintained by the aggrieved party, in the manner before provided; and he shall be entitled to double the value thereof, ascertained in the manner aforesaid, and to be recovered in like manner.

When occupant to pay for portion of fence assigned to him.

(611.) SEC. 7. When, in any controversy that may arise between occupants of adjoining lands as to their respective rights in any partition fence, it shall appear to the Fence Viewers that either of the occupants had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain, the value of which shall be ascertained and recorded in the manner provided in this chapter.

Partition Fences to be kept repaired through the year.

(612.) SEC. 8. All partition fences shall be kept in good repair throughout the year, unless the occupants of the lands on both sides shall otherwise mutually agree.

When lands bounded or divided by river, etc., and parties disagree, Viewers may be had.

(613.) SEC. 9. When lands of different persons, which are required to be fenced, are bounded upon, or divided by, any river, brook, pond or creek, which of itself, in the judgment of the Fence Viewers, is not a sufficient fence, and it is, in their opinion, impracticable, without unreasonable expense, for the partition fence to be made in such waters, in the place where the true boundary line is, if in such case the occupant of the land on the one side shall refuse or neglect to join with the occupant of the land on the other side in making a partition fence on the one side or the other, or if such persons shall disagree respecting the same, then two or more Fence Viewers of the township wherein such lands lie, on application to them made, shall forthwith proceed to view such river, brook, pond or creek.

Proceedings of Fence Viewers.

(614.) SEC. 10. If such Fence Viewers shall determine such river, brook, pond or creek in the preceding section mentioned, not to answer the purpose of a sufficient fence, and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line, they shall, after giving notice to the parties, determine how, or on which side thereof the fence shall be set up and maintained, or whether partly

on one side and partly on the other side, as to them shall appear just, and shall reduce such determination to writing, and sign the same; and if either party shall refuse or neglect to make and maintain his part of the fence, according to the determination of the Fence Viewers, the same may be made and maintained by the other party as before provided in this chapter, and the delinquent party shall be subject to the same charges and costs, to be recovered in like manner.

(615.) SEC. 11. When any lands, belonging to different persons in severalty, shall have been occupied in common, without a partition fence between them, and one of the occupants shall be desirous to occupy his part in severalty, and the other occupant shall refuse or neglect, on demand, to divide with him the line where the fence ought to be built, or to build a sufficient fence on his part of the line when divided, the party desiring it may have the same divided and assigned by two or more Fence Viewers of the same township, in the manner provided in this chapter.

When lands owned in severalty have been occupied in common, any occupant may have lines divided.

(616.) SEC. 12. Upon the division and assignment as provided in the preceding section, the Fence Viewers may, in writing, under their hands, assign a reasonable time for making the fence, having regard to the season of the year, and if either party shall not make his part of the fence within the time so assigned, the other party may, after having completed his own part of the fence, make the part of the other, and recover therefor double the ascertained expenses thereof, together with the fees of the Fence Viewers, in the manner provided in this chapter.

When Viewers may assign time for making fence; consequence of neglect.

(617.) SEC. 13. When one party shall cease to improve his land, or shall open his enclosure, he shall not take away any part of the partition fence belonging to him and adjoining the next enclosure, if the owner or occupant of such adjoining enclosure will, within two months after the same shall be ascertained, pay therefor such sum as two or more Fence Viewers shall, in writing under their hands, determine to be the value of such partition fence belonging to such party.

When partition fence not to be removed.

(618.) SEC. 14. When any uninclosed land shall be afterwards enclosed, the occupant or owner thereof shall pay for one half of each partition fence standing upon the line between his land and the enclosure of any other occupant or owner, and the value thereof shall be ascertained by two or more Fence Viewers of the township, in writing, under their hands, in case the parties do not agree; and if such occupant

When occupant or owner to pay one half of partition fence, etc.

or owner shall neglect or refuse, for thirty days after the value has been so ascertained and demand made, to pay for one half of such partition fence, the proprietor of such fence may maintain an action in the form aforesaid, for such value, and the costs of ascertaining the same.

When a Fence Viewer to be taken from each Township.

(619.) SEC. 15. In all cases where the line, upon which a partition fence is to be made, or to be divided, is the boundary line between townships, or partly in one township and partly in another, a Fence Viewer shall be taken from each township.

Fences running into water.

(620.) SEC. 16. Where a partition fence running into the water is necessary to be made, the same shall be done in equal shares, unless otherwise agreed by the parties, and in case either party shall refuse or neglect to make or maintain the share belonging to him, similar proceedings shall be had, as in case of other fences, and with the like effect.

When line of unimproved lands divided, who to erect fences, etc.

(621.) SEC. 17. In all cases where the line, upon which a partition fence is to be built between unimproved lands, has been divided by the Fence Viewers, or by agreement in writing between the owners of such lands, recorded in the office of the clerk of the township, or of one of the townships where such lands lie, the several owners thereof, and their heirs and assigns forever, shall erect and support said fences, agreeably to such division.

Notice on determination not to improve lands.

(622.) SEC. 18. If any person shall determine not to improve any part of his lands adjoining any partition fence that may have been divided according to the provisions of this chapter, and shall give six months' notice of such determination to all the adjoining occupants of lands, he shall not be required to keep up or support any part of such fence during the time his lands shall lie open and unimproved.

Who to be Fence Viewers.

(623.) SEC. 19. The Overseers of Highways of the several townships in this State, shall be Fence Viewers in their respective townships.

Penalty for neglect.

(624.) SEC. 20. Any Fence Viewer, who shall, when requested, unreasonably neglect to view any fence, or to perform any other duty required of him in this chapter, shall forfeit the sum of five dollars, and shall also be liable to the party injured for all damages consequent upon such neglect.

Compensation of Fence Viewers.

(625.) SEC. 21. Each Fence Viewer shall be paid by the person employing him, at the rate of one dollar a day for the time he shall be so employed; and if such person shall neglect

to pay the same within thirty days after the service shall have been performed, each Fence Viewer having performed any such service may recover, in an action of assumpsit, double the amount of such fees.

POUNDS, AND IMPOUNDING CATTLE.

(626.) SEC. 22. Each township may, at its own expense, and in such places therein as the electors shall direct, provide and maintain one or more sufficient Pounds, in which swine, sheep, horses, asses, mules, goats, and neat cattle may be restrained, and kept from going at large contrary to law, or to any by-law of such township. Townships to provide and maintain Pounds.

(627.) SEC. 23. If any person shall wilfully injure any Pound maintained by any township, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding ninety days, at the discretion of the Court. Punishment for injury to Pounds.

An Act to Provide Against the Recovery of Damages done by Beasts on Lands which are not Enclosed by a Lawful Fence.

[Approved March 17, 1847. *Laws of 1847*, p. 181.]

(628.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That no person shall be entitled to recover any sum of money in any action at law for damages done upon lands by any beast or beasts, unless in cases where, by the by-laws of the proper township, such beasts are prohibited from running at large, except in cases where such lands are enclosed by a fence of the same height and description as is required by the provisions of section one, chapter eighteen of the Revised Statutes of eighteen hundred and forty-six. Damages not to be recovered for trespass on lands not enclosed by lawful Fence.

SEC. 2. (a)

SEC. 3. This act shall take effect and be in force from and after its passage.

(a) Repealed by Act 184 of 1849, p. 228. The Section was, "No Person shall Recover in any action at Law for Trespass on Lands any more costs than the amount of judgment rendered in such case."

2 Mich. Rep. 290.
do. 163.
3 Gilman, 139.

TITLE VI.

CHAPTER XV.

OF TAKING THE CENSUS AND STATISTICS OF THE STATE.

SECTION	SECTION
629, 630. Duty of Supervisors and Assessors to take Census and Statistics.	636. Compensation of Supervisors and Assessors; Certificate to returns.
631. Duty of Secretary of State to provide blanks.	637. Duty of Secretary of State relative to returns; Extra compensation to Supervisor.
632. Census and Statistics to be condensed by the Supervisors and Assessors; Duty of County Clerk.	638. Common Council of Detroit to appoint persons to take Census.
633. When person to be appointed to do the duty of Supervisor or Assessor.	639. Columns to be footed.
634. Penalty for neglect of duty.	640. Governor to appoint Marshals in certain cases.
635. Prosecuting Attorney to sue for forfeitures.	

An Act to Provide for Taking the Census and Statistics of this State.

[Approved Feb. 9, 1853. *Laws of 1853*, p. 60.]

Duty of Supervisors and Assessors to take Census and Statistics.

(629.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the Supervisor of each township and ward, and Assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of April and third Monday of May, in the year one thousand eight hundred and fifty-four, and every ten years thereafter, to go to every dwelling house in their respective township, ward or assessment district, and by personally inquiring of the head of every family, or some competent person, to ascertain and take an enumeration of all the inhabitants therein (except uncivilized Indians belonging to some

tribe), in the following order, to wit: The names of all males of the age of twenty-one years and under forty-five (designating the married from the unmarried); the names of those of forty-five and under seventy-five; the names of those of seventy-five and under ninety; the names of those of ninety and under one hundred; and the names of those over one hundred; the number of females of the age of eighteen years and under forty (designating the married from the unmarried); the number of the age of forty and under seventy-five; the number of the age of seventy-five and over; the number of children under the age of five years; the number of the age of five and under ten (designating the males from the females); the number of males of the age of ten and under twenty-one; and the number of females of the age of ten and under eighteen; the number of colored persons; the number of blind; the number of deaf and dumb; and the number of insane persons and idiots; the number of marriages, and the number of deaths the preceding year, as near as can be ascertained; and the occupation or profession of all males over twenty-one years of age.

(630.) SEC. 2. And it shall also be the duty of the Supervisor and Assessors of each city and township, at the time mentioned in the preceding section for taking the Census of his township or ward, to ascertain and set down in a table prepared for that purpose, the whole number of acres of taxable land; the whole number of acres of land owned by individuals or companies; the number of acres improved; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain; the number of bushels of potatoes; and the number of tons of hay the preceding year; the number of sheep, and the number of pounds of wool sheared the preceding year, and the number of sheep; the number of swine over six months old; and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows), one year old and over; the number of horses one year old and over; the number of mules; the number of work oxen, and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of peppermint oil manufactured the preceding year;

Duty of Supervi-
sors and Asses-
sors to take
Census and
Statistics.

the number of flouring mills, the number of runs of stone in each; the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of breweries, the number of barrels of beer made the preceding year; the number of distilleries, the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; and the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of saw mills, the number of feet of lumber sawed by each the preceding year, and the amount of capital invested; the number and kind of manufactories; the number of persons employed; the amount of capital invested; and the value of the products for the past year; designating the number of said mills and factories operated by steam, and the number by water power; the number of mines worked; the amount of capital invested, and the number of men employed, specifying the kind of mineral, the aggregate quantity in pounds, and its valuation at the place of mining, the amount of capital invested, and the number of men employed; and the value of all the merchandize imported the preceding year for the purpose of sale.

Duty of Secretary
of State.

(631.) SEC. 3. The Secretary of State shall prepare proper blanks for taking the Census and Statistics, and shall transmit to the several County Clerks of all the organized counties of the State a sufficient number for each township, ward, or assessment district in each county, on or before the first day of January, A. D. 1854, and every tenth year thereafter; and it shall be the duty of the County Clerk to receive and retain the same in his office, and on or before the second Monday in April next thereafter, cause to be delivered to the Supervisor of each township and ward, and Assessor of each assessment district in the county, a sufficient number of said blanks for the Supervisor or Assessor to take the Census of his township, or ward, or assessment district (as the case may be), and to make a condensed statement thereof, as prescribed in the next succeeding section.

Census and
Statistics to be
condensed by
Supervisor and
Assessor.

(632.) SEC. 4. It shall be the duty of each Supervisor and Assessor to condense the Census and Statistics of his township, ward, or assessment district, so as to show the aggregate number of each class, to write out distinctly the names of all males over the age of twenty-one years; and when so arranged,

he shall make duplicate copies, and personally deliver or forward the same to the County Clerk of their respective counties, on or before the first day of July next thereafter; and it shall be the duty of the County Clerk to forthwith seal up one copy and send it by mail to the Secretary of State, and the other he shall file and carefully preserve in his office.

(633.) SEC. 5. If any Supervisor or Assessor shall be sick, or otherwise unable to perform, or omit to perform the duties required by this act, the Township or City Board shall immediately appoint a suitable person to do the duties of such Supervisor or Assessor, who shall take and subscribe the Constitutional oath before entering upon the duties of his office.

Duty of County Clerk.

When person to be appointed to do the duty of Supervisor or Assessor.

(634.) SEC. 6. Any Supervisor or Assessor neglecting or refusing, without good cause shown, to perform all the duties prescribed in this act, shall forfeit the sum of one hundred dollars, to be recovered by an action of debt, in the name of the People of the State of Michigan, for the use of the county where such failure occurred.

Penalty for neglect of duty

(635.) SEC. 7. It shall be the duty of the County, Township, or City Clerk (as the case may be), to notify the Prosecuting Attorney of the county of any forfeiture under this act, who shall immediately commence a suit for the recovery thereof, and prosecute the same to a final termination.

Prosecuting Attorney to sue for forfeitures.

(636.) SEC. 8. The Supervisor of each township and ward, and the Assessor of each assessment district, shall be allowed, in addition to the sum allowed by law for taking the assessment of his township, ward, or assessment district, one dollar for every one hundred persons by him returned, if the number shall exceed one thousand and five hundred, and one dollar and fifty cents per hundred for any number less, and ten cents per mile for conveying the returns to the County Clerk's office, which shall be in full for all services performed under the provisions of this act; and the sum due each Supervisor and Assessor for services, shall be calculated at the rate aforesaid by the County Clerk, to which the proper returns are made, and his certificate of the amount due shall be paid by the Treasurer of said county: *Provided*, That before a Supervisor or Assessor shall be entitled to receive any compensation, he shall attach a certificate to each copy of said returns, signed by him, in the following form, to wit: "I do hereby certify that the Census and Statistics set forth in the schedule hereunto annexed, has been consolidated and arranged from enumeration and statistical lists, made by actual inquiry

Compensation of Supervisor and Assessor.

Proviso.

Certificate to Returns.

at the dwelling, or personal inquiry at the head of every family, or of a competent person acquainted with the facts, by myself, in the township of or ward number in the city of or assessment district in the city of (as the case may be), and that the said schedule has been made in every respect in conformity with the act for taking the Census and Statistics for the year eighteen hundred and fifty-four, and every tenth year thereafter, and is correct and true, according to the best of my knowledge and belief."

Duty of Secretary
of State relative
to Returns.

(637.) SEC. 9. The Secretary of State shall condense, in a tabular form, the Census and Statistical returns made to him, and as soon as may be, cause three thousand copies to be published in pamphlet form, and transmit four copies to each organized township in the State, one for the use of the Supervisor, one for the use of the Township Clerk, and two to be deposited in the township library; and twenty-five copies to the Mayor of the City of Detroit, and ten copies to the Mayor of any other city in the State, for the use of the several city libraries, and one copy to each of the members of the present Legislature and its officers: *Provided*, That in counties having less than five thousand inhabitants, the Supervisor in each town shall be entitled to three dollars for taking the Census and Statistics in his town extra.

Proviso.

Compensation.

Common Council
of Detroit to ap-
point.

(638.) SEC. 10. In the City of Detroit, the Common Council shall appoint a person in each ward to discharge the duties required by this act, to be performed by the Supervisor of each township or ward: *Provided*, There is no Assessor elected in said wards.

Columns to be
footed.

(639.) SEC. 11. It shall be the duty of the persons required in this act to take said Census, to have the several columns of figures footed, and the aggregate amount put down.

Governor to ap-
point Marshals in
certain cases.

(640) SEC. 12. That the Governor appoint marshals to take the Census in the unorganized territory not otherwise provided in this act, who shall receive such compensation as the Board of Supervisors of the organized county to which such unorganized territory is attached for judicial purposes shall allow.

This act shall take effect immediately.

TITLE VII.

CHAPTER XVI.

OF THE MILITIA.

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An Act to Provide for Organizing an Active Militia, and for other purposes.

[Approved May 18, 1846. Laws of 1846, p. 241.]

CHAPTER I.

PERSONS SUBJECT TO MILITARY DUTY.

Persons subject
to Military duty.

(641.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all able bodied white male inhabitants, between the ages of eighteen and forty-five years, residents of this State, and not exempted from serving in the Militia, by the laws of the United States and of this State, shall be subject to military duty.

Additional persons
exempt.

(642.) SEC. 2. In addition to the persons exempted by the laws of the United States, the following shall be exempted from military duty:

1. All Firemen, as provided in chapter forty-eight, title nine;
2. All members of independent volunteer companies, who have served as such, armed, uniformed and equipped for the

term of six years from the time of their enrollment, except in cases of insurrection or invasion ;

3. Ministers and Preachers of the gospel.

Also the following persons shall be exempted from military duty, but such exemption shall not excuse them from the payment of the tax in this act imposed.

1. Judges of the Supreme Court, County and Probate Courts ;

2. The Secretary of State, State Treasurer and Auditor General ;

3. The members and officers of the Legislature during its session, and for fifteen days before and after each session ;

4. Teachers of Schools and other Seminaries of Learning ;

5. All Ferrymen and Millers actually employed as such ;

6. All officers and guards of the state prison ;

7. All commissioned officers who have served as such in the Militia of this State, or in that of any of the United States, equipped and in uniform for the term of five years.

CHAPTER II.

OF THE ENROLLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

(643.) SECTION 1. The commanding officer of each company ^{Enrollment.} of Militia shall, from time to time, enroll all persons within the limits of his company who may be subject to military duty, and shall, without delay, notify such persons of their enrollment.

(644.) SEC. 2. Every commanding officer shall appoint, by warrant, the non-commissioned officers of his company, and may ^{Non-Commissioned Officers and Musicians.} enroll as musicians in his company at least two, and not more than five persons residing in his beat ; and the persons so enrolled shall perform the duty of musicians in such company, instead of serving as privates, and shall be subject to the same fines and penalties as privates.

(645.) SEC. 3. The Militia of this State liable to do military ^{Title of Militia.} duty, and so enrolled, shall be called the enrolled Militia.

CHAPTER III.

ORGANIZATION.

(646.) SECTION 1. The Commander-in-Chief may arrange, ^{Commander-in-Chief to arrange} alter, divide, annex and consolidate the divisions, brigades, regi- ^{Brigade.}

ments, battalions, squadrons, troops and companies, in such manner as, in his opinion, the proper organization of the same shall require.

Brigades and Divisions.

(647.) SEC. 2. Each division shall consist of at least two brigades; each brigade of at least two regiments, and each regiment of ten companies, and each separate battalion of at least four companies.

Bounds may be altered.

(648.) SEC. 3. That the commanding officer of any brigade, with the approbation of the commanding officer of his division, may divide, annex, or alter the bounds of the several regiments or separate battalions under his command, and the commanding officer of any regiment or separate battalion, with the approbation of the commander of his brigade, may divide, annex, or alter the bounds of the several companies under his command; but no alteration made by virtue of this section, shall be of any force until the same shall have been submitted to the Commander-in-Chief, and approved by him.

Name of Division, etc., to be Registered.

(649.) SEC. 4. The number, name and limits of each division, brigade, regiment, separate battalion and company, and every alteration thereof, shall be registered in the office of the Adjutant General.

CHAPTER IV.

OFFICERS OF THE MILITIA.

Commander-in-Chief to appoint Aids.

(650.) SECTION 1. The Commander-in-Chief may appoint four Aids, with the rank of Colonel, and one Private Secretary, with the rank of Major. The several staff departments shall be arranged as follows:

Staff Departments.

1. In the Adjutant General's department there shall be an Adjutant General, with the rank of Brigadier General; and in his department there shall be to each division a Division Inspector, with the rank of Lieutenant Colonel; and to each brigade a Brigade Inspector, to serve also as a Brigade Major, with the rank of Major; and to each regiment and separate battalion, an Adjutant, with the rank of Lieutenant.

2. In the Quartermaster General's department, there shall be a Quartermaster General, with the rank of Colonel; and in his department there shall be a division Quartermaster, with the rank of Major; to each brigade, a brigade Quartermaster, with the rank of Captain; and to each regiment and separate battalion, a Quartermaster, with the rank of Lieutenant.

3. There shall be a Judge Advocate General, with the rank of Colonel; to each division a division Judge Advocate, with the rank of Major; and to each brigade a brigade Judge Advocate, with the rank of Major.

4. In the Paymaster's department to each division, a division Paymaster, with the rank of Major; to each brigade, a brigade Paymaster, with the rank of Captain; and to each regiment and separate battalion, a Paymaster, with the rank of Lieutenant.

5. In the hospital department, to each regiment and separate battalion, one Surgeon and one Surgeon's Mate.

6. To each division, a Major General and two Aids, with the rank of Major.

7. To each brigade, a Brigadier General and one Aid, with the rank of Captain.

8. To each regiment, one Colonel, and to each regiment and separate battalion, one Lieutenant Colonel, one Major, one Adjutant, with the rank of Lieutenant; one Chaplain, one Serjeant Major, one Quartermaster Sergeant, one Drum Major, one Fife Major.

9. To each company, one Captain, one First Lieutenant, two second Lieutenants, four Sergeants, four Corporals and one Clerk, to each volunteer company.

(651.) SEC. 2. The Chief of each staff department, including the Judge Advocate General, shall, under the direction of the Commander-in-Chief, have command over all subordinate officers in his department, and shall, from time to time, issue orders and instructions for their government and practice, and shall prepare and transmit, at the expense of the State, all needful blank forms of returns, precepts, warrants, and proceedings in their respective departments.

Chief of Staff Department to have Command.

CHAPTER V.

APPOINTMENTS.

(652.) SECTION 1. The officers of the enrolled Militia shall be appointed as follows:

Appointment of Officers.

1. Major and Brigadier Generals, Quartermaster and Judge Advocate Generals, the Aids of the Commander-in-Chief, the Private Secretary, Colonels, Lieutenant Colonels, and Majors of Regiments and separate battalions, Captains and Lieutenants of companies, of the enrolled Militia, shall be appointed by the Commander-in-Chief.

2. Division Inspectors, division Quartermasters, division Judge Advocates, and Aids to Major Generals, shall be appointed by the Major Generals.

3. Brigade Inspectors, brigade Quartermasters, brigade Judge Advocate, and Aid to Brigadier General, shall be appointed by Brigadier Generals.

4. Adjutant, Quartermaster, Surgeons, Surgeon's Mate, Sergeant Majors, Sergeant Quartermasters, Drum and Fife Majors, shall be appointed by commandants of regiments.

5. Captains of companies may appoint Sergeants, and all other subordinate officers of companies of the enrolled Militia.

When office
vacant, next in
rank to Com-
mand.

(653.) SEC. 2. Whenever the office of Major General, Brigadier General, Colonel or Captain shall become vacant, or such officer shall be sick, absent, or under arrest, the officer next in rank shall command the division, brigade, regiment, or company, until such vacancy be supplied.

CHAPTER VI.

OFFICERS HOW QUALIFIED.

How Officers
Commissioned.

(654.) SECTION 1. All officers of, and above the rank of Lieutenants, shall be commissioned by the Commander-in-Chief; every non-commissioned officer warrant of the regimental staff, shall be given and signed by the commanding officer of his regiment; every non-commissioned officer warrant of the company, shall be given and signed by the commanding officer of his company.

Official Oath.

(655.) SEC. 2. Every person who shall be commissioned to any office, shall, within ten days after such commission shall be tendered to him, or within ten days after he shall be notified that the same is held in readiness for him by a superior officer, take and subscribe the oath required by the Constitution, before some general or field officer, who shall have previously taken and subscribed the same, and who is hereby authorized to administer such oaths, and in case of neglect or refusal to take such oath, within the time mentioned, he shall be deemed to have resigned such office; such neglect or refusal shall be no excuse for neglect of duty until another shall be duly elected in his place.

Ibid.

(656.) SEC. 3. The foregoing oaths shall be printed and subscribed upon the back of each commission, and a certificate

signed by the officer before whom such oaths are taken, that the above oaths were taken and subscribed before him, with the date thereof.

(657.) SEC. 4. The day of the appointment of any officer shall be expressed in his commission, and shall be considered the date of his commission. Commission to show date of Appointment.

(658.) SEC. 5. All commissions shall be transmitted to the commanding officers of brigades, and by them, within thirty days after received, to the commanding officers of regiments, under a penalty of ten dollars for each neglect thereof; the commanding officers of regiments, within thirty days after such commissions are received by them, shall notify the officers commissioned that such commissions are in readiness, and that they appear and be qualified within ten days from the date of such notice; and for any neglect to notify as above directed, each officer shall pay a fine of ten dollars. Commissions to be transmitted to Commanding Officers.

(659.) SEC. 6. All neglects or refusals to be commissioned shall be certified on the back of such commission, and transmitted through the Brigadier General to the Adjutant General. Refusal of office to be certified on Commission.

CHAPTER VII.

THE DUTIES OF OFFICERS.

(660.) SECTION 1. The Adjutant General shall issue, sign and transmit all general orders of the Commander-in-Chief, whether of detail, instruction, or movement of the Militia, and all general regulations, which may be established, and obey all orders from him relative to carrying into execution the laws of the United States, and this act, and perfecting the system of military discipline established by law. Duties of Adjutant General.

(661.) SEC. 2. He shall be charged with all the correspondence between the Commander-in-Chief and officers of the several States and Territories, the Secretary of War, the Adjutant General of the Army, and other persons in official stations, on the subject of militia affairs, and keep a record of such correspondence. Ibid.

(662.) SEC. 3. He shall keep a record of all general and special orders and regulations, and cause the same to be published whenever the Commander-in-Chief shall direct. Ibid.

(663.) SEC. 4. He shall keep a roster of all the commissioned officers of the Militia of this State, with their residence, rank, the corps to which they belong, the number and date of their

commissions, and the time when issued, the number and date of all discharges, removals, deaths and promotions.

Duties of Adjutant General.

(664.) SEC. 5. He shall enter of record a local description of the several divisions, brigades, regiments and companies, and every alteration thereof.

Ibid.

(665.) SEC. 6. He shall make out and issue all commissions and discharges directed by the Commander-in-Chief.

Exemption from Jury service and Labor on Highways.

(666.) SEC. 7. Every member of a volunteer company, who, during the preceding year, has performed military duty as required of him by law, shall, for the year next succeeding the performance of such duty, be exempt from serving on juries, and from the payment of any tax assessed against his person for labor on highways.

Further duties of Adjutant General.

(667.) SEC. 8. He shall prepare and provide the necessary rosters and books of record; the forms and blanks for commissions, discharges, returns, and other papers required by the laws and customs of this State, at the expense of the State, and distribute the same through the Brigadier Generals to the officers and companies entitled to them, upon a requisition therefor.

Ibid.

(668.) SEC. 9. He shall make a return in duplicate of all the Militia in the State, with the arms, accoutrements and ammunition; one copy of which he shall deliver to the Commander-in-Chief, on or before the first day of December, and transmit the other to the President of the United States, on or before the first day of January annually.

Duties of Division Inspector.

(669.) SEC. 10. The Division Inspector shall record all orders received by the Major General from the Commander-in-Chief, and all orders made by the Major General, and shall execute all orders from superior officers, and he shall attend all reviews when the Major General shall review any corps of the Militia.

Duties of Brigade Inspector.

(670.) SEC. 11. The Brigade Inspector of each brigade shall constantly keep a correct roster of the brigade to which he belongs, and shall record all orders received by the Brigadier General from the Commander-in-Chief, and other superior officers, all orders made by the Brigadier General, and all returns received from the regiments and separate battalions in his brigade.

(671.) SEC. 12. He shall annually, when required, transmit to the Adjutant General his records, roster and files, to be inspected by him.

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(672.) SEC. 13. He shall execute all orders received from the Brigadier General, or other superior officer, and shall

attend the regimental and battalion drills and reviews within his brigade during the time of their being under arms, to inspect their arms, ammunition and accoutrements, superintend the exercise and manœuvres, and to introduce the system of discipline prescribed by law; and on the days of drill shall, by himself or some person of skill whom he shall appoint, take command as drill officer, so far as shall be necessary to the execution of those duties. Act of Congress, 1792.

(673.) SEC. 14. He shall, within thirty days after the annual review, transmit to the Adjutant General a statement, particularly specifying the appearance and condition of each corps in the several regiments and separate battalions within his brigade. Duties of Brigade Inspector.

(674.) SEC. 15. He shall, within ten days after the expiration of the time limited for making returns of the force, arms and equipments, etc., by the Adjutants of the several regiments or separate battalions in his brigade, record and transmit the same to the Adjutant General, or certify the names of such officers who have failed to make such return. Ibid.

(675.) SEC. 16. He shall distribute to the several Adjutants all books of record, rosters, blanks and orders received from the Adjutant General. Ibid.

(676.) SEC. 17. It shall be the duty of the Adjutant of each regiment or separate battalion, constantly to keep a correct roster of the commissioned and non-commissioned officers of his regiment or separate battalion, their residence, rank, the corps to which they belong, the date of their commissions or warrants, and the time when issued; the dates of all discharges, removals, deaths and promotions. Duties of Adjutant of Regiment or Battalion.

(677.) SEC. 18. He shall enter of record a local description of the regiment, and the several companies, or separate battalions, and every alteration thereof. Ibid.

(678.) SEC. 19. He shall make out and issue all the warrants and discharges of non-commissioned officers, directed by his commanding officer. Ibid.

(679.) SEC. 20. He shall distribute all books of record, blanks and other papers, received from the Brigade Inspector, to the clerks of companies. Ibid.

(680.) SEC. 21. He shall record all orders received from the Brigadier General of his brigade, and other superior officers, and all orders issued by the commanding officer of the regiment or separate battalion. Ibid.

(681.) SEC. 22. The Adjutant of each separate battalion of Ibid.

active Militia shall receive from the clerks of the several companies of his battalion, the annual returns of all the officers and privates, arms and accoutrements, and public property of the several companies, and keep the returns on file. And he shall annually make out a consolidated return of the strength, arms and accoutrements, and public property of such companies, and transmit the same to the Brigade Inspector on or before the first Monday of November.

Duties of Quar-
termaster Gen-
eral.

(682.) SEC. 23. The Quartermaster General shall keep in good repair, and attend to the due preservation, safe keeping and cleaning of the ordnance, arms, accoutrements, ammunition, munitions of war, and implements of every description, the property of this State, and he shall at all times have the control and disposition of the same for that purpose.

Ibid.

(683.) SEC. 24. He shall dispose, to the best advantage, of all powder, arms, ammunition, accoutrements, tools, implements and warlike stores of every kind, the property of the State, that shall be deemed unsuitable for the use of the State; and, from time to time, render a just and true account of all sales made by him, and shall pay the proceeds of such sale into the Treasury.

Ibid.

(684.) SEC. 25. He shall report annually, on or before the first day of December, to the Commander-in-Chief, a true and particular statement, showing the actual situation and disposition of the ordnance, arms, ammunition and other munitions of war, property and things, which in anywise appertain to, or respect the department confided to his keeping.

Ibid.

(685.) SEC. 26. He shall also make return, annually, on or before the first day of December, to the Commander-in-Chief, of the ordnance, apparatus, arms, ammunition, stands of colors, musical instruments and other military property, distributed to each regiment of the Militia, and the condition thereof.

Ibid.

(686.) SEC. 27. He shall, from time to time, give such instructions to the division, brigade and regimental Quartermasters, as shall be necessary for the proper and faithful discharge of the duties of his department.

Duty of Division
Quartermaster.

(687.) SEC. 28. It shall be the duty of the division Quartermaster to record all orders received by the Major General, relative to the duties of the Quartermaster General's department, and to execute all orders when thereto required by the chief of his department; and to attend the Major General whenever he shall review any part of the Militia.

(688.) SEC. 29. It shall be the duty of the brigade Quarter-

master to record all orders received from the Major General, Duty of Brigade Quartermaster. and all orders made by the Brigadier General, relative to the duties of his department, and to execute all orders of superior officers, and of the chief of his departments when thereto required; and to attend the Brigadier General whenever he shall review any part of the Militia.

(689.) SEC. 30. It shall be the duty of the regimental or Duty of Regimental or Battalion Quartermaster. battalion Quartermaster to record and execute all orders received from the Commandant of the regiment or battalion, and other superior officer, relative to the duties of his department, and all instructions received from the chief of his department.

(690.) SEC. 31. The Judge Advocate General shall, upon the Duties of Judge Advocate General. complaint of any officer, or when directed by the Commander-in-Chief, make out in proper form regular charges and specifications against any staff officer of the Commander-in-Chief, or any officer above the rank of Brigadier General, and attend to all other duties required by law.

(691.) SEC. 32. The division Judge Advocate shall, upon the Duties of Division Judge Advocate. application of any officer, or when directed by the Commander-in-Chief, make a regular complaint, by proper charges and specifications, against any officer above the rank of Captain, and attend to all other duties required by law.

(692.) SEC. 33. The brigade Judge Advocate shall, upon Duties of Brigade Judge Advocate. the complaint of any officer, or when directed by the Commander-in-Chief, make out a complaint, by proper charges and specifications, against any commissioned officer below the rank of field officer, and attend to all other duties required by law.

(693.) SEC. 34. The several Major Generals shall execute all Duties of Major Generals. orders received from the Commander-in-Chief; and from time to time shall issue such orders as may be necessary for the proper regulation of their respective divisions, not inconsistent with the laws of this State or of the United States, and cause all orders received and issued by them to be recorded by the Division Inspector.

(694.) SEC. 35. The several Brigadier Generals shall execute Duties of Brigadier Generals. and cause to be recorded, all orders received from the Commander-in-Chief, or other superior officer, and from time to time issue such orders as shall be necessary for the proper regulation and government of their respective brigades, not inconsistent with the laws of this State, or of the United States,

(695.) SEC. 36. The Aids of the Commander-in-Chief, Major Duties of Aids.

Generals, and Brigadier Generals, shall attend all reviews and military meetings at which their respective commanding officers shall be present, and execute all orders received from such officers respectively.

Duties of Colonels
and Lieutenant
Colonels.

(696.) SEC. 37. The Colonel of each regiment, and the Lieutenant Colonel of each separate battalion, shall execute, and cause to be obeyed and recorded, all orders received from the Brigadier General, or other superior officer, and attend all drills, reviews and military meetings, when ordered by the Brigadier General.

Lieutenant
Colonel to be sub-
ject to Colonel.

(697.) SEC. 38. The Lieutenant Colonel shall be subject to the Colonel in all matters pertaining to military orders, discipline, duties and usages.

Major subject to
Colonel and Lieu-
tenant Colonel.

(698.) SEC. 39. The Major shall be subject to the Colonel and Lieutenant Colonel in all matters of military orders, discipline, duties and usages.

REGIMENTAL STAFF.

Duties of Sur-
geons.

(699.) SEC. 40. The Surgeon or assistant Surgeon of the enrolled Militia shall examine all applicants for exemption from military duty, by reason of sickness, disease, injury, or any defect whatever. And when the disease, injury, or defect of such applicant shall be apparent and permanent, they shall give him a certificate, certifying the name of such disease, injury, or defect, and its effects, and that he is permanently disabled from doing military duty, and the date of such certificate shall be affixed thereto; which certificate shall be sufficient evidence upon which to disenroll such applicant.

Duties of Ser-
geant Majors and
Sergeant Quar-
termasters.

(700.) SEC. 41. The Sergeant Majors and Sergeant Quartermasters shall execute all orders of the commanding officer of the regiment, and notify and warn all officers when directed by such commanding officer.

Fife and Drum
Majors.

(701.) SEC. 42. The Fife Major shall have charge of the fifers, and the Drum Major shall have charge of the drummers of the regiment, or separate battalion, and shall respectively teach the musicians under their command the several signals and evolutions prescribed by military tactics and usages.

Duties of Com-
mandant of Com-
pany.

(702.) SEC. 43. The commandant of each company of enrolled Militia shall enroll every citizen liable to do military duty, who shall reside within the limits of his company, and all those who shall, from time to time, come to reside within his bounds,

and become liable to do military duty, and shall, without delay, cause such citizens to be notified of such enrollment by a proper non-commissioned officer, by whom such notification may be proved, and annually review and correct such enrollment; and he shall execute, and cause to be recorded, all orders of the commandant of the regiment, or other superior officer, and also all orders issued by him to be recorded.

(703.) SEC. 44. The commandant of each company of volunteer Militia shall execute all orders received from the Duties of Commandant of Company. commandant of the battalion or other superior officer, and cause all such orders, and all company orders, to be recorded by the clerk of the company. He shall cause to be made, by the clerk of the company, a full and complete return, annually, of the names of the officers and privates of his company, the arms, uniforms and equipments of each, the musical instruments, and the public property of the State in his care.

(704.) SEC. 45. He shall warn, or cause to be warned, all the Ibid. members of his company when required by this act, or by the order of his superior officer, and a regular return to be made on all company orders.

(705.) SEC. 46. It shall be the duty of the clerk of each Duty of Clerk of Company. company to issue, sign, and distribute all orders of the commandant of the company to the non-commissioned officers, and to record all orders received from the commandant of the regiment or separate battalion, and all company orders.

(706.) SEC. 47. He shall keep a fair and exact roll of the Ibid. company, under the direction of the Captain, with the name of each officer and private, his uniform, arms and equipments, in the form prescribed by the Adjutant General, and shall revise and correct the same, as the state of the company may require.

(707.) SEC. 48. He shall keep a full and correct orderly Ibid. book under the direction of the Captain, in which shall be recorded all orders and company proceedings, and exact details of all drafts and detachments.

(708.) SEC. 49. He shall annually make out, under the direc- Ibid. tion of the Captain, a full and complete return of the public property in possession of the company, the names of all the officers and privates, their uniform, and every article of their equipments, the number of members present and absent, and the aggregate as inspected at the annual rendezvous or encampment in June, and transmit the same to the Adjutant during the said month.

Clerk *pro tem*.

(709.) SEC. 50. In the absence, sickness, or other inability of the clerk, the Captain may appoint a clerk *pro tempore*, who shall discharge all the duties, and be subject to all the penalties of the clerk for the time being.

Duties of Non-Commissioned Officers.

(710.) SEC. 51. The non-commissioned officers of the company shall execute all orders of the Captain, or other superior officer, warn all officers and privates when ordered so to do, and make a return on such orders in what manner each individual was warned by them, and return the same to the clerk previous to the training ordered in such warning, and discharge all duties incident to their respective offices.

OF MUSICIANS.

Band of Musicians.

(711.) SEC. 52. The commanding officer of each separate battalion of volunteer Militia may organize a band of musicians not exceeding sixteen in number, and, by warrant under his hand, may appoint a leader of such band. Such musicians shall be subject to the order of such leader, and be under the command of the commanding officer of the separate battalion; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, and at the rendezvous or encampment of such separate battalion. The commanding officer of such separate battalion shall have authority to disband such band, and revoke the warrant of the leader.

CHAPTER VIII.

VOLUNTEER UNIFORM MILITIA.

What acting Militia to be composed of.

(712.) SECTION 1. The acting Militia of this State shall consist of volunteer companies raised within the limits of the several brigades by order of the commandant of brigades or divisions, to be composed of men between the ages of eighteen and forty-five years.

To be first called into service.

(713.) SEC. 2. Such volunteer Militia shall first be called into service in case of war or invasion; to prevent insurrection; to suppress riots, or to aid the civil authorities in the execution of the laws.

Volunteer Companies now organized retained.

(714.) SEC. 3. All volunteer companies and separate battalions now raised, organized, and formed according to law, shall be retained.

(715.) SEC. 4. The several volunteer companies of cavalry, artillery, light infantry and riflemen in each brigade, shall be numbered by the proper commandant of brigade, and a record thereof made to the Adjutant General's office; and when such companies exist to the number of four in any brigade, they shall be organized into a battalion, and officered according to law.

Companies to be numbered and organized into battalions.

(716.) SEC. 5. Commandants of companies, when formed into a separate battalion in any brigade, shall make returns to the commanding officer of such separate battalion, and if not formed into a battalion, shall make returns to the commandant of brigade; and the commandant of the battalion shall make returns to the commandant of brigade, and the commandant of brigade to the Adjutant General.

Returns to be made.

(717.) SEC. 6. Every commissioned and non-commissioned officer and soldier of any volunteer company, shall be held to duty therein for the term of six years, unless some absolute disability shall occur after joining such company, or he shall be discharged according to law; and every such person, and every officer of a battalion after serving said term of six years, shall be entitled to a certificate of such service.

Members to serve six years.

(718.) SEC. 7. Such certificate shall be given by the commandant of brigade, and the holders thereof shall be exempt from military duty in time of peace, and from the payment of all taxes in this act provided.

Certificate of service.

(719.) SEC. 8. Four such volunteer companies, and no more, may be formed within the limits of every brigade of enrolled Militia.

Four Companies may be formed in Brigade.

(720.) SEC. 9. Whenever forty or more men shall associate together for the purpose of forming a volunteer company, they shall, with the consent of the commanding officer of their brigade, apply to the Commander-in-Chief, through the Adjutant General, to be organized as such, and shall designate the persons for commissioned officers.

Organization of Company.

(721.) SEC. 10. On receiving such application, the Commander-in-Chief may so organize such company, and commission such officers.

Com- Ibid.

(722.) SEC. 11. Any volunteer company may adopt such constitution and by-laws for its government and discipline, not inconsistent with this act, as a majority of the members of the company shall deem proper; and all sentences and fines imposed in pursuance of such constitution and by-laws, may be enforced and collected as hereinafter provided.

Company may adopt By-Laws.

Uniform.

(723.) SEC. 12. Every member of a volunteer company shall provide himself with a perfect and complete uniform similar to that of the corps to which he belongs, in order to entitle him to any portion of the military fund hereinafter provided for.

CHAPTER IX.

OF PARADES, RENDEZVOUS, AND ENCAMPMENTS.

Parades.

(724.) SECTION 1. Volunteer companies shall parade for company exercise on the first, second, third and fourth Saturdays of May in each year, and may hold such other meetings as they shall, by their vote or by-laws, direct.

Arms and Equipment.

(725.) SEC. 2. Every member of a volunteer company shall be constantly provided with the arms, equipment and uniform suited to the particular corps to which he belongs; and every member of such company so armed, equipped and uniformed, shall appear at the place of company parade on the days aforesaid, at nine o'clock in the morning.

Members must be present at Parade.

(726.) SEC. 3. Every member of any such company who shall not be present at the hour named, or who shall leave the ranks during the hours of parade, without permission, shall be considered and marked as absent.

Officer may discipline Company.

(727.) SEC. 4. Every commanding officer of any such company may exercise and discipline, as well as inspect the same on said day at his option.

Rendezvous.

(728.) SEC. 5. There shall be a rendezvous of the companies of each battalion, armed, equipped and uniformed, on the second Tuesday in June, to commence at nine o'clock in the forenoon, and be continued from day to day for three days.

Place of Encampment.

(729.) SEC. 6. The Brigadier General shall designate, by general order, the place of such battalion rendezvous or encampment, and such place, when designated, shall continue to be the place of annual battalion rendezvous until otherwise ordered by him.

Members to attend regular Meetings without warning.

(730.) SEC. 7. Every member of a volunteer company shall attend all company and battalion meetings required by law, or by the by-laws of such company, without any warning or notice of the time and place of such meeting.

Rendezvous may be changed to Encampment.

(731.) SEC. 8. If, at any annual rendezvous, a battalion shall decide on encampment by a majority vote of the same, instead

of the rendezvous aforesaid, then such encampment shall take place at the next annual period for such rendezvous.

(732.) SEC. 9. For the purpose of preserving order, and rendering such encampment useful, every member of such battalion shall be considered under arms from the rising of the sun on the first of said three days till the setting of the sun on the last of said three days, and subject to all the provisions of the next succeeding section.

(733.) SEC. 10. For the purpose of preserving order, on all days of parade, the Militia shall be considered as under arms from the rising until the setting of the sun on the same day; and in addition to putting under guard, as they are hereby authorized to do, and the exercise of the usual military powers with which they are hereby vested, the commanding officer of each company shall return to the commanding officer of the battalion the names of all persons in the company who have discharged any fire arms on such day, within two miles of such parade, without the order or permission of a commissioned officer, or officer acting as such; the names of every non-commissioned officer, musician, or private, who shall, on such day, neglect or refuse to obey the orders of his superior officer, and to perform such military duty or exercise as may be required, or depart from his colors; and the commanding officer present, of the battalion or company, as the case may be, may put under guard any bystander or spectator, who shall abuse, molest, or strike any one when on parade, or under arms; any person who shall encroach on the bounds of the parade ground, previously designated, so as not to obstruct the passage of travelers on any highway, or shall then and there sell, or offer to sell, or give away any spirituous liquors, without the permission of the said commanding officer, or shall have in his possession any gambling table, or other gambling device, such liquor, gambling table, or other gambling device, is hereby declared a nuisance, and may be abated or destroyed by order of the commanding officer present; and the person or persons disposing of, or having the same in his possession, may be put and kept under guard until the setting of the sun on the same day, or of the third day of any battalion encampment.

(734.) SEC. 11. Any commanding officer of division, brigade, regiment, separate battalion, or company, is hereby authorized to put under guard, and confine for the day, any person or persons who shall, upon, or near any parade ground, field, or

public highway, or any other place occupied by the Militia, by means of ludicrous disguises, dress, arms and instruments, or by any other means, disturb the peaceable and orderly proceedings of those under arms.

Officers to attend
Reviews, etc.

(735.) SEC. 12. The commanding officer and all staff officers of each separate battalion of active Militia, shall attend every review, rendezvous and encampment of his proper battalion, fully uniformed and equipped according to law.

Major General to
Review battalion.

(736.) SEC. 13. The Major General shall review at least one separate battalion in each year.

Company to be
disbanded in case
of deficiency in
number.

(737.) SEC. 14. Every volunteer company which shall not, at any annual rendezvous or encampment, have at least thirty-two privates mounted, or armed, uniformed and equipped as the law directs, shall be immediately reported by the Inspector, or officer acting as such, to the Adjutant General. If such number of privates shall not appear, such Inspector shall require proof that there are privates belonging to such company properly mounted, or armed and equipped, sufficient to complete the whole number of thirty-two. And such proof may be made by the certificate of a commissioned officer, or by the oath of a non-commissioned officer or private. And the company so reported as deficient in number, shall be disbanded by the Commander-in-Chief in orders, unless he shall have reason to believe that such company will have the number required at the next succeeding inspection and review. And if such company shall, at the second inspection and review, be so deficient, he shall, without any delay, disband the same.

Company dis-
banded if desti-
tute of Officers.

(738.) SEC. 15. If any volunteer company shall, at any time, be destitute of commissioned officers, and having been twice ordered to fill vacancies, shall neglect or refuse to fill them, such company may be disbanded by the Commander-in-Chief.

Commander-in-
Chief to prescribe
Uniform.

(739.) SEC. 16. The uniform of all officers, and of the several corps, shall be prescribed by the Commander-in-Chief.

System of dis-
cipline.

(740.) SEC. 17. The system of discipline and field exercise which is ordered to be observed by the regular army of the United States, in the different corps of cavalry, infantry, artillery, light infantry and riflemen, or such other system as may, at any time hereafter, be directed for the Militia by the laws of the United States, shall be observed by the Militia in the exercise and discipline of said corps respectively.

CHAPTER X.

OF ELECTIONS.

(741.) SECTION. 1. Every volunteer company, on being organized, shall proceed to elect non-commissioned officers. Companies to Elect Officers.

(742.) SEC. 2. On the occurrence of any vacancy in office, after the first organization of any volunteer company, the members thereof may proceed to elect some person to fill such vacancy. Vacancies.

(743.) SEC. 3. Whenever two, and not exceeding four volunteer companies shall be formed within the limits of any brigade, they may associate together, and form themselves into a separate battalion; and a majority of the commissioned officers of said companies may designate the field officers of such separate battalion. Separate Battalion how formed and Officers.

(744.) SEC. 4. Whenever said officers thus designated shall be commissioned by the Commander-in-Chief, such separate battalion shall be considered as organized; and thereafter all vacancies in the field officers of the battalion shall be filled by a majority vote of the commissioned officers of the battalion, at the time of the annual rendezvous or encampment. When considered organized.

(745.) SEC. 5. The manner, time and place of holding and conducting all volunteer company elections, shall be regulated by the by-laws of such company. By-Laws relative to Elections.

(746.) SEC. 6. The returns of all company and battalion elections of commissioned officers, shall be made to the commandant of brigade. Returns of Elections.

CHAPTER XI.

OF FINES.

(747.) SECTION 1. Every commanding officer of a company of enrolled Militia, who shall neglect or refuse to enroll any person subject to military duty within his limits, shall pay a fine of two dollars for each person whom he shall neglect to enroll. Penalties for neglect of duty.

(748.) SEC. 2. Every commissioned officer of a volunteer company, who shall neglect to appear at any company or battalion parade, shall forfeit and pay the sum of four dollars; and every non-commissioned officer, musician and private of any such company, who shall thus neglect to appear, shall forfeit and pay the sum of two dollars. Ibid.

Penalties for
neglect of duty.

(749.) SEC. 3. Every officer, musician and private, of any volunteer company, who shall appear at any rendezvous or encampment with deficient equipments and uniform, shall forfeit and pay two dollars; and for like deficiency at company parade, one dollar.

Ibid.

(750.) SEC. 4. Every officer, for behaving with contempt to any superior officer, and every non-commissioned officer, musician and private, for conducting in a disorderly manner, exciting or joining any tumult or riot, being guilty of any other unmilitary conduct, disobedience of orders, or neglect of duty when under arms or on duty, shall forfeit and pay a sum not less than one, nor more than ten dollars.

Ibid.

(751.) SEC. 5. For any of the offences mentioned in the last preceding section, any non-commissioned officer, musician or private, guilty thereof, may be put under guard by the commanding officer of the company or separate battalion, for a time not exceeding the time when his company is dismissed from duty for the day.

Ibid.

(752.) SEC. 6. Every master or musician of a band, for absence from military duty, or neglect thereof, disobedience of orders, disorderly or other unmilitary conduct, shall forfeit and pay not less than two, nor more than ten dollars.

Ibid.

(753.) SEC. 7. All musicians of bands or companies, whether hired or enlisted, while actually on duty, shall be subject to the same commands, and liable to the same duties and penalties, as other soldiers of such companies and bands.

Ibid.

(754.) SEC. 8. Every Clerk of a company, for any neglect of duty, or requirement of law, shall forfeit and pay a sum not less than one, nor more than ten dollars.

Ibid.

(755.) SEC. 9. Every officer of a volunteer company, or a separate battalion, for any neglect or refusal of duty required by law, or the by-laws of any such company, shall forfeit and pay a sum not less than one, nor more than twenty dollars.

Ibid.

(756.) SEC. 10. Every officer of brigade, who shall neglect or refuse to discharge any duty required by law, shall forfeit and pay a sum not less than five, nor more than fifty dollars.

Excuses to be
made to Com-
manding Officer.

(757.) SEC. 11. All excuses for the non-appearance of any officer or private, shall be made to the commanding officer in writing, within twelve days after the training from which he shall have been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him; and no excuse shall avail any such delinquent before such officer, or on any prosecution for the recovery of

the fine or penalty, unless proved to have been made to such officer in writing before the expiration of the twelve days aforesaid, or unless such delinquent shall satisfy the Court that it was not in his power to make such excuse within said twelve days.

CHAPTER XII.

ON COLLECTION OF FINES AND PENALTIES.

(758.) SECTION 1. All military fines shall be enforced and collected by complaint, as follows: Fines how enforced and collected.

1. Against brigade officers, on complaint of the commandant of division;

2. Against battalion officers, by commandant of brigade;

3. Against commandants of companies and leaders and musicians of bands, by commandants of battalions;

4. Against officers of companies below the rank of commandant, and musicians and privates of companies, by the commandant of company.

(759.) SEC. 2. Such complaint shall be entered by the proper officer aforesaid, before a Justice of the Peace of any township within the limits of the brigade, under oath, stating the cause of the forfeiture, and thereupon said Justice shall issue his warrant for the apprehension of the person complained of, and the same shall be served by any constable of such township, who shall immediately arrest the person complained of, as named in said warrant, and bring him before such Justice, who shall proceed to a hearing of the case; if, on such hearing, it shall appear to the magistrate that such forfeiture has been incurred without good cause being shown therefor, he shall thereupon impose a fine according to the nature of the case, with costs incurred, and execution shall issue against the goods and chattels of the person complained of; and every judgment rendered for any fine as aforesaid, may be stayed in the same manner as judgments rendered by Justices of the Peace in civil proceedings; but no execution on such judgment shall run against the body of any defendant under the age of twenty-one years, nor shall any such defendant be committed to jail, by virtue of any execution issued under the provisions of this act, for a longer time than two weeks. Complaints to be entered by proper officers.

Proceedings thereon.

Const. Art. 6, Sec. 33.

(760.) SEC. 3. All fines against members of companies, when

Fines, to whom collected, shall be paid to the clerks of such companies, respectively, and against officers of brigades, separate battalions, and leaders and musicians of bands, to the Paymaster of battalions, respectively, for the use of such battalions.

Appeal from judgment for fine not allowed. (761.) SEC. 4. No appeal shall be allowed from any Justice of the Peace on any judgment rendered as aforesaid.

CHAPTER XIII.

OF PUBLIC PROPERTY.

Adjutant General to designate Arms to be received from United States. (762.) SECTION 1. It shall be the duty of the Adjutant General, under the Commander-in-Chief, to designate such kinds of arms to be received from the United States as may be deemed necessary and proper for the military service of the State.

Quartermaster General to take charge of same. (763.) SEC. 2. It shall be the duty of the Quartermaster General, under the direction of the Commander-in-Chief, to take charge of, and safely keep, the same when received.

Arms how distributed. (764.) SEC. 3. The arms so received shall be distributed by the Quartermaster General to the different volunteer companies in the several brigades, in proportion to their numbers.

How Companies to obtain Arms, etc. (765.) SEC. 4. Before any volunteer company shall be entitled to receive such arms, it shall consist of at least forty men. They shall be uniformed complete, according to the uniform prescribed by the Commander-in-Chief; they must be organized according to the provisions of this act, and adopt such by-laws as shall be approved by the Commander-in-Chief. In order to obtain such arms and ordnance, the commandant of brigade shall certify to each of the facts in the foregoing section, and the commissioned officers of the company shall give to the Quartermaster General a bond for the safe keeping and return of such property, when required by the Commander-in-Chief; which certificate and bond he shall cause to be filed in the office of the Quartermaster General; such commissioned officer shall also transmit a receipt of such property, all which the Quartermaster General shall keep on file; whereupon, the Quartermaster General shall distribute such arms and ordnance to such companies; and all and singular, the property of the State, which shall come into his hands under the provisions of this act, he shall, in the same manner, distribute to such companies as shall be by law entitled to the same; and he may remove such property from time

to time, from any one company to any other company, when it shall, in his opinion, be for the best interest of the State, by the advice and consent of the Commander-in-Chief.

(766.) SEC. 5. Whenever any articles are furnished, as Majority to direct where they are to be kept. aforesaid, to any volunteer company, the same shall be deposited where the majority of the members vote to establish their armory.

(767.) SEC. 6. The Commander-in-Chief may, from time to time, require any officer to examine any armory, or arms, provided as aforesaid, and report to him the condition thereof, and of the arms therein deposited. Commander-in-Chief may require examination of Arms.

(768.) SEC. 7. The Commander-in-Chief shall disband, and the Quartermaster General shall take into his care and keeping all arms, ordnance, and other property of the State heretofore distributed to any company of cavalry, artillery, rifle, or light infantry, already organized, which shall not, within six months from the time when this act goes into effect, report itself to have forty men enrolled, and when commissioned officers shall not transmit to the Quartermaster General the bond above required, with a receipt for the State property in possession of said company. May disband Company.

(769.) SEC. 8. The Quartermaster General is hereby authorized and directed to order any officer to take, or shall himself take into his care and keeping, any arms, pieces of ordnance, and any other property of the State, not in the use or occupation of any company, or when such company is disbanded, or have not met within one year. Quartermaster to take Arms, etc., not in use.

(770.) SEC. 9. If it shall appear satisfactorily to the Quartermaster General that any arms, ordnance, or other property of the State already distributed, or which may hereafter be distributed to any company, has not been safely kept, or properly housed, or has been injured, or lent, or used for other purposes than on military occasions, he shall prosecute the bond given by the commissioned officers of such company, or he shall take away such property from such company, and report such company to the Commander-in-Chief, who shall disband the same; each or both of said penalties at his discretion. For this purpose, the Quartermaster General may inspect, or cause to be inspected, or examined, at any time at his discretion, the arms and property aforesaid. Penalty for not taking care of Arms, etc.

(771.) SEC. 10. Any person who shall sell, retain, conceal, or have in possession any of the arms, ordnance, military stores, or other property of the State of a military character, Penalty for disposing of Arms, etc.

the same not having been delivered to him by any person thereto authorized, or shall retain, or refuse to deliver the same, when demanded by the Quartermaster General on his order, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined in four times the amount of the property, or punished by imprisonment in the county jail, nor more than six months, or both, in the discretion of the Court.

Salary of Quartermaster General.

(772.) SEC. 11. The Quartermaster General shall receive an annual salary of one hundred and fifty dollars, which shall be in full for all services rendered by him by virtue of his said office.

CHAPTER XIV.

SECTION 1, 2, 3, 4, 5, 6, 7. (a).

Majority of Company to appropriate moneys.

(773.) SEC. 8. All moneys received by commandants of volunteer companies, for the use of such companies, and all moneys received by such companies on account of fines, forfeiture, or otherwise, shall be appropriated by a majority vote of the company, or in pursuance of the by-laws of such company.

Assessors to return persons liable to Military duty.

(774.) SEC. 9. The Assessors of each township and ward of a city shall, at the time they return their assessment rolls, return also to the Township or City Clerk a copy of the list of the names of all persons liable to military duty in their township or wards.

List to be transmitted to Adjutant General.

(775.) SEC. 10. The Township Clerk shall, within ten days after the receipt of said list, transmit the same to the County Clerk, who shall, on or before the first day of August in each year, transmit the same to the Adjutant General.

Assessors may administer oaths.

(776.) SEC. 11. The Assessors shall have power to question, under oath, which they are hereby authorized to administer, any person who they may believe liable to do military duty, but who denies the same; and if any person refuses to be sworn, the Assessor shall enroll his name in the same manner as though he had admitted his liability.

Penalty for neglect of duty by Assessors, etc.

(777.) SEC. 12. If any Assessor or Assessors, Township Clerk, or County Clerk, shall neglect or refuse to perform the duty enjoined upon them by this act, the person or persons guilty of such refusal or neglect, shall be liable to a penalty of not less than ten, nor more than fifty dollars, to be recovered

(a) Repealed by Act 56, of 1848. Laws of 1848, p. 53. They related to the levying of a Poll Tax for the support of the Volunteer Militia.

by action of debt before any Justice of the Peace, in the name of the People of the State of Michigan; and it shall be the duty of commandants of brigades and separate battalions to prosecute the same.

CHAPTER XV.

GENERAL PROVISIONS.

(778.) SECTION 1. Courts Martial and Courts of Inquiry are abolished. Courts Martial and of Inquiry abolished.

(779.) SEC. 2. The Commander-in-Chief, for any of the causes usually authorizing Courts Martial, or Courts of Inquiry, may suspend any commissioned officer from the exercise of his office, and may dismiss him from office; but no such officer shall be dismissed until he has had an opportunity to disprove the charges made against him. Powers of Commander-in-Chief to suspend Officers.

(780.) SEC. 3. The Commander-in-Chief is authorized and empowered, in case of war, invasion, insurrection, or notice of the appearance of an enemy, to order the whole or any part of the Militia to assemble, and the same to lead, order or employ to the assistance or relief of any of the inhabitants of this State; and officers of divisions, brigades, regiments, battalions and companies are vested with the same authority within their respective commands; but when any of them find it necessary to order out the force under his command, he shall forthwith despatch intelligence, and the occasion thereof, with the account of his movements and operations, to his next superior officer, and the officer receiving such intelligence shall observe the same line of conduct. Commander-in-Chief empowered to order Militia out.

(781.) SEC. 4. The act entitled, "An Act to Organize the Militia," approved April 23, 1833, and all acts in addition to, or in alteration of said act, are hereby repealed; but such repeal shall not affect any rights granted by said acts, nor any proceedings depending or unfinished under them. Acts repealed. Rev. of 1833, p. 47. 1838, p. 126. 1840, p. 39. 1841, p. 201. 1844, p. 98. 1845, p. 66.

SEC. 5. This act shall take effect from and after the fourth day of July next.

TITLE VIII.

OF TAXES AND DUTIES.

CHAPTER XVII. Of the Assessment and Collection of Taxes.

CHAPTER XVIII. Of Specific State Taxes and Duties.

CHAPTER XVII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION

- 782. All property not exempted, liable to Taxation.
- 783. Real Estate, what to include.
- 784. Personal Estate, what to include.
- 785. Corporate Property.
- 786. Property exempt from Taxation.
- 787. When Tenant paying Taxes may retain the same from Rent.
- 788. Personal Estate, when Assessed.
- 789. Cases excepted.
- 790. Personal Property mortgaged, to be deemed property of person having possession.
- 791. Undivided Real Estate of deceased person, how Assessed.
- 792. University and School Lands.
- 793. Partners how Taxed.
- 794. Meaning of certain terms used in this Chapter.
- 795. Statement to be made to Supervisor; Contents of statement.
- 796. Particulars of statement required.
- 797. Persons may be required to subscribe statement; To state who is the owner, etc.

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- 798. Property paying Specific Tax need not be included in statement.
- 799. Supervisors to furnish blank statements; To examine and value property, etc.
- 800. Duty of Supervisor in case any person refuses to make statement; When Supervisor may fix the amount.
- ✓ 801. Duty of Supervisors in reviewing Assessment.
- 802. Contents of Assessment Roll.
- 803. Auditor General to transmit Blanks to County Treasurer; Treasurer to supply Supervisor.
- 804. Real Estate, how described; description of Village Property; Undivided Shares, how Assessed.
- 805. Non-resident Lands; Property held in Trust, etc.
- 806. Certificate to be attached to Roll.
- 807. Clerk of Township to deliver statement of Money for Township purposes; Board of Supervisors to examine Assessment Rolls.
- ✓ 808. How Assessment Equalized.
- 809. Alteration of description.

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810. Corrected Roll to be certified and delivered to Supervisor.
 811. Aggregate Valuation to be Recorded; when transmitted to Auditor General.

MANNER OF ASSESSING TAXES.

812. Auditor General to apportion State Tax.
 813. Apportionment of Tax by Board of Supervisors.
 814. Certificate of Apportionment to be made by Clerk, etc.
 815. How Taxes assessed by Supervisors.
 816. Supervisor to notify Treasurer of amount of Taxes; Treasurer to give Bond.
 817. County Treasurer to file Bond and give Receipt.
 818. When Supervisor to deliver Assessment Roll to Treasurer.
 819. Warrant to be attached to Roll.
 820. When Taxes to be a Lien on Real Estate.

OF THE COLLECTION AND RETURN OF TAXES.

821. Township Treasurer to collect Taxes.
 822. Proceedings in case of refusal to pay.
 823. Notice of Sale.
 824. Proceedings if property not sold.
 825. Surplus on sale how disposed of.
 826. In case of removal of person assessed, Tax may be collected in any part of County.
 827. When Tax on Personal Property cannot be collected, Treasurer's Warrant may be renewed.
 828. Treasurer may bring Suit for Tax on Personal Property.
 829. Executions on Judgments rendered therefor.
 830. Evidence in suits for such Tax.
 831. Treasurer may receive Tax on part of lot, or undivided share, etc.
 832. Moneys collected, how disposed of by Town Treasurer.
 833. Return of Taxes not collected.
 834. Return to be compared with Tax Roll, etc.
 835. Affidavit of Township Treasurer; Credit for amount returned; Compensation for making return.
 836. Receipt to be given, Township credited, etc.
 837. Endorsement of satisfaction on Bond; Tax Roll and Warrant to be deposited with County Treasurer.
 838. When Township Board shall appoint Treasurer, and proceedings thereupon.
 839. Money retained by Township Treasurer, in what order to be paid.
 840. Town Treasurer to make oath to statement of Taxes collected, etc.
 841. Compensation of Treasurer for collecting Taxes.
 842. When Supervisor to deliver Tax Roll and Warrant to Sheriff, and powers and duties of Sheriff thereon.
 843. Officer to give receipt on payment of Tax etc.

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844. When Warrant to issue against Township Treasurer.
 845. Warrant to be delivered to, and executed by the Sheriff of the County.
 846. Proceedings against Sheriff for neglect, or false return.
 847. When County Treasurer to prosecute Sheriff and his sureties.
 848. County Treasurer to enter return of Lands delinquent for Taxes, and make transcript, etc.
 849. Transcript to be forwarded to the Auditor General by the first of March following.
 850. Real Estate assessed to residents, Proceeding on return of.
 851. Payment of Taxes after return.
 852. Office charges.
 853. Duplicate receipts.
 854. County Clerk to enter receipt, transmit duplicate, etc.
 855. When County Treasurer to make return of Moneys to State Treasurer.
 856. When County Treasurer to receive Taxes paid to State Treasurer.
 857. When County Treasurer to pay excess into State Treasury.

OF THE SALE OF LANDS FOR TAXES, AND THE CONVEYANCE AND REDEMPTION THEREOF.

858. When Lands to be subject to redemption and sale, and when to be sold.
 859. Statement to be made by Auditor General.
 860. Auditor General to cause statement to be published; when to be published in adjoining County.
 861. Auditor General to designate papers, etc.
 862. Cost of printing.
 863. Notice to be published with statement.
 864. List of Lands to be withheld to be transmitted by Auditor General to County Treasurer.
 865. Sale how made.
 866. Where Land taken when part of lot only is sold.
 867. Payment of bids, when to be made, etc.
 868. Funds receivable at Sales.
 869. Notice of amount to be paid in Specie; State Treasurer to direct remittances, etc.
 870. Certificate of Sale.
 871. When Auditor General to execute Deed, etc.; Effect of Deed as evidence.
 872. Loss of Certificate.
 873. How Lands may be redeemed.
 874. Interest how computed.
 875. Duplicate certificate of redemption to be issued, etc.
 876. Auditor General to charge County with amount of Certificate, etc.
 877. County Treasurer to execute Bond to Auditor General.
 878. In case County Treasurer neglects to file Bond, Auditor General may employ some other person to conduct Sales.

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- 879. When Lands to be reoffered for sale, and when bid in for the State.
- 880. Lands bid off to the State liable to Taxation.
- 881. Proceedings in case of irregularity.
- 882. When amount refunded to be charged against County.
- 883. When Auditor General may cancel Sales, etc.
- 884. Certificate of cancelment to be issued.
- 885. Reason for cancelment to be stated in notice to purchasers.
- 886. Money to be refunded to State; State not liable for costs.
- 887. Accounts of County Treasurers to be stated by Auditor General.

OF REJECTIONS AND REASSESSMENTS.

- 888. When Tax rejected, etc., Supervisor to reassess the same.
- 889. How rejected Taxes, etc., to be charged back.
- 890. Supervisors to furnish list of Lands detached from County on which Taxes are charged back.
- 891. Auditor General to forward to County Treasurer a description of Lands, etc.
- 892. County Treasurer to lay statement before Board of Supervisors.
- 893. Proceedings when Tax cannot be properly reassessed on same Lands.
- 894, 895, 896. Proceedings when Tax exceeds limit fixed by law.
- 897. Taxes assessed on Village Property, rejected for informality, to be reassessed.
- 898. Liability of Collector who has received Tax returned unpaid.

OF LANDS BID OFF TO THE STATE FOR TAXES;
THEIR REDEMPTION AND SALE.

- 899. Lands bid off to the State to be offered at October Sales.
- 900. Auditor General to furnish statements to County Treasurers.
- 901. Contents of statements; interest, etc.
- 902. Notice of Sale.
- 903. Time and manner of Sale.
- 904. Purchaser must buy for subsequent years, etc.
- 905. County Treasurer to issue Certificate of Sale.
- 906. Auditor General to execute deed.
- 907. Redemption of Lands bid off to the State.
- 908. Purchase of State bids at Auditor General's office, etc.
- 909. Amount to be refunded, in case of redemption, etc.; If not redeemed, etc., deed to be executed by Auditor General.
- 910. Purchase of unsold State Tax Lands at Auditor General's office.
- 911. Deed to be executed by Auditor General.
- 912. Provisions relative to deeds and canceling sales applicable to State Tax Lands, etc.

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- 913. Office charges.
- 914. Expenses of Sale, postage, etc.
- 915. Who to be made defendant in case of prosecution of ejectment.
- 916. Right of the State to enforce collection of Taxes for subsequent years, not to be prejudiced, etc.
- 917. When Lands to be struck from Assessment Roll.
- 918. Auditor General to transmit lists of Lands to be struck from Assessment Rolls to County Clerks and County Treasurers.
- 919. When description sold for Taxes of two or more years, and Sale void for one year, conveyance to remain good for balance.
- 920. Certain Sales to remain valid.

MISCELLANEOUS PROVISIONS.

- 921. Persons having Lien on Lands, may pay Taxes and acquire additional Lien.
- 922. Penalty for neglect of duty by certain Town Officers.
- 923. Duty of Board of Supervisors as to forfeitures.
- 924. Losses sustained by default of County or Township Treasurers, chargeable to County or Town, etc.
- 925. Auditor General to furnish Blanks.
- 926. Who to perform duties of Township Treasurer in Detroit.
- 927. Auditor General to cause this act to be printed, etc.; Officers refusing to perform duty guilty of misdemeanor.
- 928, 929, 930. Proceedings in case of surplus of property distrained for Tax in certain cases.
- 931. Value of property distrained and sold may be recovered in certain cases.
- 932. Duty of Prosecuting Attorneys to advise Treasurers and Supervisors.
- 933. County Treasurer paying money to Town Treasurer, to notify Town Clerk.
- 934. In case of death of purchaser or assignee, deed on Tax Sales to issue in name of deceased.
- 935. Duty of Supervisor relative to University and Primary School Lands.
- 936. County Treasurer to return to State Land Office statement of unpaid Taxes on such Lands.
- 937. Duty of Commissioner of State Land Office with respect thereto.
- 938, 939. Forfeiture for neglect to pay Taxes on such Lands.
- 940. Commissioner to furnish statement to Auditor General of Taxes paid.
- 941. Auditor General to credit Counties.
- 942. Board of Supervisors of organized County to which unorganized Territory is attached, may appoint Assessors therein; Their duties.
- 943. Conflicting enactments repealed.

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944. Houses of Public Worship, and Lots, exempt from Taxation.

945. Assessors may divide Townships into districts.

946. If Sale found invalid after conveyance,

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amount paid to be refunded; Interest thereon.

947. Purchaser not entitled to Interest after notice.

An Act to Provide for Assessing Property at its true Value, and for Levying and Collecting Taxes thereon. (a)

[Approved and took effect February 14, 1863. Laws of 1863, p. 128.]

(782.) SECTION 1. *The People of the State of Michigan enact*, All property not exempted, liable to Taxation. That all property, real and personal, within this State, not expressly exempted therefrom, shall be subject to taxation in the manner provided by law. R. S. 1846, Chap. 20, Sec. 1.

(783.) SEC. 2. Real estate shall, for the purpose of taxation, be construed to include all lands within the State, and all buildings and fixtures thereon, except in cases otherwise expressly provided by law. Real Estate, what to include. R. S., Sec. 2.

(784.) SEC. 3. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys, credits, and effects, wheresoever they may be; all ships, boats and vessels belonging to inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this State, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all public stock and securities, all stock in turnpikes, railroads, canals, and other corporations out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations, whether the owner thereof reside in or out of the State, and the income of any annuity, unless the capital of such annuity be taxed within this State. Personal Estate, what to include. R. S., Sec. 3. 1848, p. 313.

(785.) SEC 4. All property of private corporations, except Corporate property. in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township or ward where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized wherever the same may be found in the R. S., Sec. 4.

(a) For prior laws relative to the Assessment and Collection of Taxes, and the sale of Lands therefor, see Code of 1820, p. 271; Revision of 1827, p. 370, Revision of 1833, p. 88, 98; Laws of 1834, p. 5; 1835-'6, p. 52, 1837, p. 7, 126, 167, 317; 1838, p. 137; R. S., of 1838, Title V, Laws of 1839, p. 159, 168, 1840, p. 6, 80, 254; 1842, p. 68, 85, 108; 1843, p. 34, 55, 60; 1844, p. 3, 22, 159; 1845, p. 79, 85; 1846, p. 13, 87, 102; R. S., of 1846, Title V; Laws of 1847, p. 120; 1848, p. 2, 75, 147, 254, 313; 1849, p. 96, 116, 334; 1850, 40, 161, 218, 396.

county, and sold in the same manner as the property of individuals may be sold for taxes.

Property exempt
from Taxation.
R. S., Sec. 5.
1849, p. 96.

(786.) SEC. 5. The following property shall be exempt from taxation, viz.:

1. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value two hundred dollars;

2. All spinning wheels and weaving looms, and apparatus, not exceeding in value fifty dollars;

3. All arms and accoutrements, required by law to be kept by any person; all wearing apparel of any person or family;

4. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures;

5. To each householder, ten sheep with their fleeces, and the yarn and cloth manufactured from the same; two cows; five swine; and provisions and fuel for the comfortable subsistence of such householder and family for six months;

6. All the property of the United States, and of this State, except lands bid off for the State at tax sales, except as herein-after provided;

7. All public or corporate property of the several counties, cities, villages, townships, and school districts in this State, used, or intended for corporate purposes.

1857, p. 166.

2 Mich. Rep. 586.

8. The personal property of all library, benevolent, charitable, and scientific institutions, incorporated within this State, and such real estate belonging to such institutions as shall actually be occupied by them, for the purposes for which they were incorporated;

9. All houses of public worship, with the pews, or slips, and furniture therein, and rights of burial, and tombs, while in use as repositories of the dead; (b)

10. The estates of Indians, except lands held by them by purchase, and the personal estates of persons who, by reason of infirmity, age, and poverty, may, in the opinion of the Supervisor, be unable to contribute towards the public charges.

When tenant
paying Taxes
may retain the
same from rent.
R. S., Sec. 6.

(787.) SEC. 6. When a tenant paying rent for real estate shall be taxed therefor, he may retain out of his rent the taxes paid by him for the same, unless there be an agreement to the contrary.

788. SEC. 7. All personal estate within this State, except

(b) See the act of February 7, 1857, next following.

in the cases where other provision is made by the third and eighth sections of this chapter, shall be assessed to the owner in the township where he shall be an inhabitant, on the second Monday of April, and all resident real estate, to the person occupying it on that day, unless the same shall be given in by some other person for assessment to him. Personal Estate, when assessed. R. S., Sec. 7.

(789.) SEC. 8. The excepted cases referred to in the preceding section, and not included in said section three, are the following : Cases excepted. R. S., Sec. 8.

1. All goods, wares and merchandise, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owner resides, shall be taxed in the township where the same may be, if the owner hire or occupy a store, shop, or warehouse therein, and shall not be taxable where the owner resides ;

2. All horses, mules, neat cattle, sheep and swine, kept throughout the year in any township other than where the owner resides, shall be assessed to such owner in the township where they are kept ;

3. All personal property belonging to minors under guardianship, shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of every other person under guardianship shall be assessed to the guardian in the township of which the ward is an inhabitant ;

4. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the husband of such married woman, or to such other person in the township of which he is an inhabitant ; but if such married woman or other person reside out of this State, the same shall be assessed to such executor, administrator, or trustee, in the township where he resides ;

5. Personal property placed in the hands of any corporation, as an accumulating fund for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State ; otherwise to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof ;

6. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the executors or administrators in the township where the deceased last dwelt, until they shall give notice to the Super-

visor that the estate has been distributed and paid over to the parties interested ;

7. All property held by any religious society as a ministerial fund, shall be assessed to the Treasurer of such society ; and if such property consists of real estate, it shall be taxed in the township where such property lies ; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Personal Property mortgaged to be deemed Property of person having possession.
R. S., Sec. 9.
Undivided Real Estate of deceased persons, how Assessed.
R. S., Sec. 10.

(790.) SEC. 9. When personal property is mortgaged or pledged, it shall for the purpose of taxation, be deemed the property of the person who has possession thereof.

(791.) SEC. 10. The undivided real estate of any deceased person, may be assessed to the heirs or devisees of such person, unless occupied by some other person to whom it may be assessed, without designating them by name, until they shall have given notice to the Supervisor of the division of such estate, and the names of the several heirs and devisees ; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees their respective portions thereof, when paid by him.

University and School Lands.

(792.) SEC. 11. Any person holding a certificate of purchase of university or primary school lands, or occupying the same, shall be liable to be assessed therefor as if he were the actual owner thereof: *Provided, however,* That the same shall be assessed as personal property, and not as real estate, and the tax thereon shall be collected in the manner hereinafter prescribed.

R. S., Sec. 11.]

Partners, how Taxed.

(793.) SEC. 12. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under the partnership name, in the township where their business is carried on, for all the personal property employed in such business ; and if they have places of business in two or more townships, they shall be taxed in those townships for the proportion of property employed in such townships respectively ; and in case of being so jointly taxed, each partner shall be liable for the whole tax.

R. S., Sec. 12.

Meaning of certain terms used in this Act.

(794.) SEC. 13. The term "money," or "moneys," whenever used in this act, shall be held to mean gold and silver coin, and bank notes, and every deposit, which any person owning the same, or holding in trust, and residing in this State, is entitled to withdraw in money on demand. The term "credits," whenever used in this act, shall be held to mean and include every claim and demand for money, or other valuable thing, and every annuity, or sum of money receivable at stated

periods, due, or to become due, and all claims and demands secured by deed or mortgage, due, or to become due. The terms "parcel of real property," and "parcel of land," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimants, person, or company. Every word importing the singular number only, may extend to, and embrace the plural number; and every word importing the plural number, may be applied and limited to the singular number; and every word importing the masculine gender only, may be extended and applied to females as well as males. Whenever the word "oath," is used in this act, it may be held to mean "affirmation," and the word "swear," in this act may be held to mean "affirm." The term "cash value," whenever used in this act, shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment; and if there be no usual selling price known to the person whose duty it shall be to fix the value thereon, it shall be held to mean the price at which such property shall be appraised in payment of a just debt due from a solvent debtor, or such price as the property assessed may, in the preceding year, have been sold for.

(795.) SEC. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provided, forthwith make a full and true statement in writing, to the Supervisor of the township in which he or she resides, in which shall be distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or she is the owner, or the holder as guardian, parent, husband, or trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor; and also all moneys and credits owned or held, as aforesaid. (c)

(796.) SEC. 15. Every person required by this act to make or deliver such statement, shall set forth an account of the property held or owned by him or them, as follows:

(c) As amended by "An Act to Amend certain Sections of An Act entitled, 'An Act to Provide for Assessing Property at its true value, and for Levying and Collecting Taxes thereon,' Approved February 14, 1853." Approved February 12, 1855. Laws of 1855, p. 227. This Act amends Sections 14, 15, 16, 18, 19, 20, 22, and 89, as here given.

1. An accurate description of each parcel of land, with the number of acres, and the number of acres improved, and the number and kinds of buildings thereon;
2. The number of neat cattle six months old;
3. The number of horses over six months old;
4. The number of sheep over six months old;
5. The number of hogs over six months old;
6. Every wagon and carriage;
7. Every gold or silver watch;
8. The number of bushels of grain, and the quantity of all other farm produce in the possession of the producer;
9. All merchandise not included in the eighth subdivision of this section;
10. Every musical instrument, of the value of twenty-five dollars and upwards;
11. All moneys and all credits;
12. All other personal property held or owned by him;
13. The amount of moneys upon which he pays interest, providing he desires to have the same deducted from his moneys and credits;
14. The amount of all other *bona fide* indebtedness: *Provided*, He desires to have the same deducted from his moneys and credits. (d)

Persons may be required to subscribe statement.

To state who is the owner, etc.

(797.) SEC. 16. Such statement the Supervisor may, in his discretion, require to be subscribed by the person making the same; and it shall further mention who is the owner of the property so described, and whether the same is held by him, the maker of such statement, individually, or in his own right, or whether held for any other person, and if held for any other person, then state for whom, in what capacity, or on what account so held, giving the name of the person for whom he holds. (e)

Property paying Specific Taxes need not be included in list.

(798.) SEC. 17. No person shall be required to include in such statement any share or portion of the capital stock of any company or corporation, which company or corporation is by law exempt from taxation, or by law required to pay a specific tax in lieu of all other taxes on such share or portion of capital stock, or whose corporate property is subject to assessment under the provisions of section four of this act.

(799.) SEC. 18. It shall be the duty of each Supervisor, on or before the second Monday in May, to call upon each taxable person in his township, at their residence, boarding place, or usual place of business, at which time he shall furnish each taxable person a blank form for the statements required by the fifteenth section of this act; and thereupon said taxable person shall forthwith make, and deliver to said Supervisor, a full and true statement of the taxable property in his possession, according to the provisions of this act; and immediately thereafter the said Supervisor shall proceed to examine said property, and estimate and set down the true value thereof, deducting from the moneys at interest, and other credits of such person, the amount of money upon which he or she pays interest, together with his other *bona fide* indebtedness, as set forth in said statement. (*f*)

Supervisors to
furnish blank
statements.

To examine and
value Property,
etc.

(800.) SEC. 19. In every case where any person shall neglect or refuse to make out and deliver a statement of his real and personal property, moneys and credits, or to exhibit the same to the Supervisor, as required by this act, it shall be the duty of said Supervisor, and he is hereby authorized to examine on oath the person so refusing, and any other person or persons who he may have good reason to believe, and does believe, has knowledge of the amount or value of any property, money, or credits owned or held by such person so refusing; and said Supervisor shall assess any property, money, or credits, owned or held by such person so refusing, at its true cash value: *Provided*, That if any person shall neglect or refuse to make such statement, or in case any person owning any taxable property in this State, or any money loaned in this State, shall be absent from the township, or cannot be found therein by the Supervisor of such township, during the time the assessment roll is required by law to be made, leaving no agent known to such Supervisor to make the required statement, such Supervisor is hereby authorized to set down and assess to such person any amount of personal property he may deem just and proper, subject to reduction on review, upon oath of the party in interest, his agent or attorney. (*g*)

Duty of Super-
visor in case any
person refuses to
make statement.

When Supervisor
may fix the
amount.

(801.) SEC. 20. On the Saturday next preceding the second Monday in May, it shall be the duty of the Supervisors of the several townships to be present at their respective offices

Duty of Super-
visor in reviewing
Assessment.

from eight o'clock in the forenoon until twelve, noon; and from one to five o'clock in the afternoon, for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause being shown to the satisfaction of the Supervisor, he may alter the same as to the valuation thereof. (*h*)

Contents of Assessment Roll.

(802.) SEC. 21. The assessment roll shall contain the names of the resident persons liable to be taxed; a full description of the real estate of such persons; the number of acres in each tract or parcel, as near as the same can be ascertained; the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed, as appears from the statements in the possession of the Supervisor.

R. S., Sec. 16.

Auditor General to transmit blanks to Treasurers.

(803.) SEC. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in March in each year, prepare and transmit suitable blanks to the several County Treasurers, who shall, before the first Monday in April, supply all the Supervisors in their several counties with the same. The Auditor General is authorized and instructed to furnish, at the expense of the State, to each Supervisor and Assessor in the several townships and cities in this State, a copy of this law, at the earliest day practicable. (*i*)

Treasurers to supply Supervisors.

R. S., Sec. 17.

Real Estate, how described.
R. S., Sec. 18.

(804.) SEC. 23. The description of real estate shall be as follows:

1. If the land to be assessed be an entire section, it shall be described by the number of the section, township and range;

2. If the tract be a subdivision of a section, authorized by the United States for the sale of the public lands, it shall be described by a designation of such subdivision, with the number of the section, township and range;

3. If the tract be less or other than such subdivision, it shall be described by a designation of the number of the lot or tract, or of other lands by which it is bounded;

Description of Village Property.

4. In case of lands surveyed or laid out as a town or village, and a plat thereof recorded in the Register's office of the county, if the tract to be assessed be a whole lot or block, it shall be described by a designation of the numbers thereof;

if it be a part of a lot or block, it shall be described by its ^{13 Ill. Rep. 708.} boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity of such lands in the assessment roll. When any lands have been, or hereafter shall be laid out as a town or village, or as an addition to any town or village, and the same has not been duly recorded in the Register's office of the county, and any one or ^{1848, p. 75.} more of the lots have been, or may be sold by the number thereof, according to the plat of said town or village, or addition thereto, such lands, laid out as aforesaid, may, in the discretion of the Supervisor, be assessed in whole or in part according to the subdivisions as represented on the plat of such town or village, and if such subdivision or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be defined, or it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such lands in the assessment roll;

5. If the lands to be assessed be a tract of which the subdivision cannot be ascertained by the Supervisor, they shall enter on the roll the boundaries thereof;

6. Undivided shares or interests in lands, shall be assessed ^{Undivided shares.} to the owners thereof, if such ownership is known to the Supervisor, and no tract in the same section, originally entered as one parcel, shall be subdivided in assessing, unless the fact of a subdivision, having been made by the owner or owners, shall be known to the Supervisor;

7. It shall be sufficient to describe lands to be assessed or ^{2 Mich. Rep. 486.} sold for taxes, in the manner heretofore in use, by initial letters, abbreviations and figures.

(805.) SEC. 24. All lands unoccupied, and not claimed to be ^{Non-resident Lands.} owned by any resident of the township where they are situated, and not exempt from taxation, shall be assessed as ^{R. S., Sec. 19.} non-resident lands, and shall be entered on a part of the roll ^{Tweed vs. Metcalf; 4 Mich. Rep.} separate from that upon which the estates of residents are entered. When a person is assessed as trustee, guardian, ^{Property held in trust, etc.} executor, or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

(806.) SEC. 25. When the Supervisor has reviewed and

Certificate to be completed the assessment roll, he shall attach a certificate attached to roll. thereto, signed by him, in the following form :

"I do hereby certify that I have set down in the above assessment roll all the real estate in the township of liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estimated the same at its true cash value, according to my best information and belief."

R. S., Sec. 21.

Lacy vs. Davis.
4 Mich. Rep.

Clerk of Town-
ship to deliver
statement of
money for Town-
ship purposes.

R. S., Sec. 22.

Board of Super-
visors to examine
Assessment Roll.

R. S., Sec. 23.

How Assessment
equalized.

Lacy vs. Davis.
4 Mich. Rep.

R. S., Sec. 24.

Alterations of
descriptions.

R. S., Sec. 25.

Corrected Roll to
be certified and
delivered to
Supervisor.

R. S., Sec. 26.

(807.) SEC. 26. The Township Clerk of each township shall, on or before the second Monday of October in each year, deliver to the Supervisor of his township, a statement of the money to be raised therein for township purposes, and the amount voted for the maintenance and support of common schools, and the township library, stating the amount of each, as well as the aggregate amount. The Board of Supervisors of each county shall, at their session in October in each year, examine the assessment rolls of the several townships, and ascertain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated.

(808.) SEC. 27. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same, by adding to, or deducting from the valuation of the real estate in the township or townships, such an amount, as in their judgment, will produce relatively an equal and uniform valuation of the real estate in the county; and the amount added to, or deducted from the valuation in each township, shall be entered upon their records.

(809.) SEC. 28. The Board of Supervisors shall also make such alterations in the description of any lands upon such rolls, as may be necessary to render such description conformable to the requirements of this act.

(810.) SEC. 29. After the assessments shall have been equalized, and the descriptions corrected, as provided in the two last preceding sections, a certificate, signed by the Chairman of the Board, shall be made upon, or appended to the roll of each township, in the following form, to wit:

"I do hereby certify that the Board of Supervisors have equalized and corrected the within roll, by adding to, or

deducting from the valuation of the real estate made by the Supervisor therein, or without adding to, or deducting from the valuation of the real estate made by the Supervisor, as the case may be, and have determined the aggregate value of the taxable real and personal property in the township of _____ to be _____ dollars, and _____ cents, for the year eighteen hundred and _____ ;” which assessment roll, thus certified, shall be delivered to the Supervisor of the proper township, who shall file and keep the same in his office.

(811.) SEC. 30. The Board of Supervisors, at the time of equalizing the assessments, shall cause to be entered on their records the aggregate valuation of the taxable real and personal property of each township in their county, as determined by them; from which record the Clerk of the Board shall, within ten days after their annual meeting, in each year when the State Board of Equalization shall meet, make and transmit to the Auditor General, by mail, or otherwise, a statement of the aggregate valuation of the taxable real and personal property of the county, including the aggregate valuation of property in each township.

Aggregate valuation to be recorded; when transmitted to Auditor General.

R. S., Sec. 27.

MANNER OF ASSESSING TAXES.

(812.) SEC. 30. The Auditor General shall apportion the State tax among the several counties, in proportion to the valuation of taxable property therein, and shall, before the October session of the Boards of Supervisors, make out and transmit to the clerks of the several boards, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionments to the counties respectively.

Auditor General to apportion State Tax.

R. S., Sec. 28.

(813.) SEC. 31. The Board of Supervisors shall, at their annual session in October in each year, ascertain and determine the amount of money to be raised by tax for county purposes, and apportion such amount, and also the amount of State tax required to be raised, among the several townships in the county, in proportion to the valuation of the taxable property therein for the year, as equalized by the board, which determination and apportionment shall be entered at large on their records.

Apportionment of Tax by Board of Supervisors.

R. S., Sec. 29.

(814.) SEC. 32. The Clerk of the Board of Supervisors shall, immediately after such apportionment, make out two certificates of the amount apportioned to be assessed upon the

Certificate of apportionment to be made by Clerk, etc.

- property of each township, for State and county purposes, one of which he shall deliver to the County Treasurer, and the other to the Supervisor of the township, and the County Treasurer shall charge the amount specified in each certificate to the proper township.
- R. S., Sec. 30.
- How Taxes Assessed by Supervisor. (815.) SEC. 33. The Supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, together with a tax for the amount of money to be raised by his township, adding thereto, and to all other taxes required by law to be assessed by him, not more than four, nor less than two per cent. for collecting expenses upon the taxable property in the township, according, and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the township for the year.
- R. S., Sec. 31.
- Tweed vs. Metcalf; 4 Mich. Rep.
- Supervisor to notify Treasurer of amount of Taxes; Treasurer to give Bond. (816.) SEC. 34. The Supervisor of each township, on or before the twenty-fifth day of October in each year, shall notify the Township Treasurer of the amount of State and county tax apportioned to his township; and such Treasurer, on or before the fifth day of November, shall give to the County Treasurer and his successors in office, a bond in double the amount of such State and county taxes, with good and sufficient sureties, to be approved by the Supervisor of the township, or the County Treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the County Treasurer.
- R. S., Sec. 32.
- County Treasurer to file Bond and give receipt. (817.) SEC. 35. The County Treasurer shall file and safely keep such bond in his office; and on the receipt thereof, he shall give to the Township Treasurer a receipt, stating that he has received the bond required by the preceding section, which receipt the Township Treasurer shall deliver to the Supervisor on or before the tenth day of November.
- R. S., Sec. 33.
- When Supervisor to deliver Assessment Roll to Treasurer. (818.) SEC. 36. The Supervisor, after the delivery of such receipt, and on or before the fifteenth day of November, shall deliver to the Township Treasurer a copy of the corrected assessment roll of his township, with the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school, library, and school house taxes in one column, the highway taxes in another, and the township, county, and State taxes in another column; and if other taxes are at any time required by law, they shall be placed in another column, and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the Township and County Treas-
- R. S., Sec. 34.

uries respectively. Before the Supervisor shall deliver such assessment roll and tax list to the Township Treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the Township Clerk of his township a statement thereof; and such Township Clerk shall immediately charge the amount of such taxes to the Township Treasurer. 1853, p. 161.

(819.) SEC. 37. To such assessment roll and tax list a warrant under the hand of the Supervisor shall be annexed, commanding such Treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, and to retain in his hands the amount receivable by law into the Township Treasury for the purposes therein specified, and to account for, and pay over to the County Treasurer the amounts therein specified for State and county purposes, on or before the first day of February then next; and the said warrant shall authorize the Treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons. Warrant to be attached to Roll. R. S., Sec. 35. Tweed vs. Metcalf; 4 Mich. Rep.

(820.) SEC. 38. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a lien on said real estate from the first day of November, of the year in which such real estate was assessed. When Taxes to be a lien on Real Estate. R. S., Sec. 36.

OF THE COLLECTION AND RETURN OF TAXES.

(821.) SEC. 39. Every Township Treasurer, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once upon the person taxed, if a resident, or at the place of his usual residence in the township, and shall demand payment of the taxes charged to him on such list. Township Treasurer to collect Taxes. R. S., Sec. 37.

(822.) SEC. 40. In case any person shall refuse or neglect to pay the tax imposed on him, the Treasurer shall levy the same by distress and sale of the goods and chattels of said person, or of any goods and chattels in his possession, wherever the same may be found within his township; and no claim of property to be made thereto by any other person, shall be available to prevent a sale. Proceedings in case of refusal to pay. R. S., Sec. 38.

(823.) SEC. 41. The Treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least Notice of Sale.

R. S., Sec. 39. ten days previous to the sale, by advertisement to be posted up in three public places in the township where such sale shall be made; and the sale shall be by public auction.

Proceedings if property not sold. (824.) SEC. 42. If the property so distrained cannot be sold for want of bidders, the Treasurer shall return a statement of the fact, and if the tax be assessed on real estate, such real estate shall be returned in the same manner as if the same were non-resident lands.

Surplus on sale, how disposed of. (825.) SEC. 43. If the property distrained shall be sold for more than the amount of tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made, if no claim be made to such surplus by any other person in writing; but if any other person shall, in writing, claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the property was sold, the surplus shall be paid to such owner; but if such claim be denied by the person for whose tax the property was distrained, such surplus shall be deposited in the Township Treasury until the rights of the parties shall be determined by law.

In case of removal of person assessed, Tax may be collected in any part of County. (826.) SEC. 44. In case any person, upon whom any tax may be assessed in any township for personal estate, shall have removed out of such township after the assessment, and before such tax ought by law to be collected, it shall be lawful for the Treasurer of such township to levy and collect such tax of the goods and chattles of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

When Tax on personal property cannot be collected, Treasurer's Warrant may be renewed. (827.) SEC. 45. Whenever any Township Treasurer shall not be able to collect any tax on personal property, on account of the absence of the person so taxed, or for any other cause, the County Treasurer, if required, shall issue a new warrant to the Treasurer of the township for such tax, and it shall be the duty of the Township Treasurer to renew his office bond; and thereupon the said warrant shall be, and remain in force for the purposes of such collection until the next annual meeting of the Board of Supervisors, unless the tax is sooner collected; and the said Township Treasurer shall charge ten per cent. interest on all such taxes from the first day of February until the day of collection: *Provided*, Said bond shall not be renewed unless the tax uncollected shall exceed five dollars.

1847, p. 123.

Treasurer may bring suit for Tax. (828.) SEC. 46. Whenever any tax which shall have been, or which may hereafter be assessed on personal property in

this State, shall be returned by any Township Treasurer for non-payment, under the provisions of this act, it shall be lawful for the Treasurer of the township from which any such tax is so returned, in the name of such township, to sue the person or persons against whom such tax was assessed, before any Court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax.

(829.) SEC. 47. Executions issued upon judgments rendered for any such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by Township Supervisors, and the proceedings of an officer with any such execution shall be the same in all other respects as are now directed by law.

(830.) SEC. 48. The production of any assessment roll, on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of the township named as the plaintiff in such action, be read, or used in evidence; and if it shall appear from said assessment roll, that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the Court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

(831.) SEC. 49. Such Township Treasurer shall receive the tax, or any one of the several taxes, on a part of any lot or parcel of land, or on any undivided share or other interest therein, which the tax payer will clearly define; and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the Township Treasurer shall enter a specification thereof in his return to the County Treasurer; but if the part on which the tax is so paid shall be an undivided share, the person paying the same shall state to the Treasurer the name of the owner of such share, that it may be excepted in case of the sale for the tax on the remainder, for which purpose the Treasurer shall enter the name of such owner in his account of arrears of taxes.

(832.) SEC. 50. The Township Treasurer shall retain in his hands the amount specified in his warrant to be paid into the Township Treasury, for the purposes therein specified, and

on personal property.

1850, p. 193, Sec.

1.

Execution on judgments rendered therefor.

1850, p. 193, Sec.

2.

Evidence in suits for such Tax.

1850, p. 193, Sec.

3.

Treasurer may receive Tax on part of lot, or undivided share, etc.

R. S., Sec. 43.

Moneys collected, how disposed of by Town Treasurer.

shall, within one week after the time specified in his warrant for paying the money directed to be paid to the County Treasurer, pay to such County Treasurer the sum required in his warrant, either in delinquent taxes, or in funds then receivable by law.

R. S., Sec. 44.

Return of Taxes
not collected.

(833.) SEC. 51. If any of the taxes mentioned in the tax list annexed to his warrant shall remain unpaid, and the Township Treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of such premises from his tax roll, and submit the same to the County Treasurer.

R. S., Sec. 45.

Return to be
compared with
Tax Roll, etc.

(834.) SEC. 52. The County Treasurer shall immediately compare such statement with the tax roll in the hands of such Township Treasurer, and if he finds it to be a true transcript from the same, he shall add to it a certificate, showing that he has examined and compared such statement with the tax roll in the hands of such Township Treasurer, and found it correct; and shall file such statement so certified in his office.

R. S., Sec. 46.

Affidavit of Town-
ship Treasurer;
credit for amount
returned.

(835.) SEC. 53. Upon making an affidavit to be annexed to such statement, before the County Treasurer, or his deputy duly appointed, or before any officer authorized to administer oaths, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels, belonging to, or in possession of the person charged with, or liable to pay such sums, whereupon he could levy the same, the Township Treasurer shall be credited by the County Treasurer with the amount thereof; and for making the return aforesaid, he shall be entitled to receive one dollar and fifty cents, and six cents per mile travel fee one way, to be allowed and paid to him by the County Treasurer, together with two per cent. on all taxes returned as delinquent; but no such Treasurer shall be allowed more than ten dollars, including said two per cent. for making his returns.

R. S., Sec. 47.

Compensation for
making return.

Receipt to be
given, Township
credited, etc.

1850, p. 161.

(836.) SEC. 54. The County Treasurer shall give to the Township Treasurer a receipt stating the amount of taxes returned by such Township Treasurer unpaid, and for which the township shall receive a credit on the books of the County Treasurer, and shall also give such Township Treasurer a statement of all taxes rejected by such County Treasurer out of such list; which receipt and statement shall be the vouchers of such Township Treasurer for the amounts therein specified.

(837.) SEC. 55. Upon the settlement of the amount of taxes

directed to be collected by the Township Treasurer and paid to the County Treasurer, such County Treasurer shall endorse the bond of the Township Treasurer as paid up; which endorsement shall operate as a full discharge of the Treasurer and his sureties from the obligation thereof, unless it shall afterwards appear that the return of such Treasurer is false; in which case such bond shall continue in force, and such Treasurer and his sureties shall be liable thereon for all damages occasioned by such false return; and the Township Treasurer shall immediately deposit his tax roll and warrant with the County Treasurer, who shall file and preserve the same in his office.

Endorsement of satisfaction on Bond; Tax Roll and Warrant to be deposited with County Treasurer.

R. S., Sec. 48.

(838.) SEC. 56. In case the Treasurer of any township shall refuse to serve, or shall die, resign, or remove out of the township before he shall have entered upon, or completed the duties of his office, or be disabled from completing the same from any cause, the Township Board shall forthwith appoint a Treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation as the Treasurer in whose place he was appointed; and the Township Clerk shall immediately give notice of such appointment to the County Treasurer; but such appointment shall not exonerate the former Treasurer or his sureties from any liability incurred by him or them.

When Township Board shall appoint Treasurer, and proceedings thereupon.

R. S., Sec. 49.

(839.) SEC. 57. In case the Township Treasurer shall not collect the full amount of taxes required by his warrant to be paid into the Township Treasury, such portion thereof as he shall collect shall be retained by him, and paid out for the following purposes, and in the following order, viz.:

Moneys retained by Township Treasurer, in what order to be paid.

1. The amount raised for the general township purposes, to be paid on the order of the Township Board;

R. S., Sec. 50.

2. The amount raised for school and library taxes, to be paid on the order of the School Inspectors, or school district officers, as the case may be;

3. The amount of the highway taxes, to be paid on the order of the Commissioners of Highways.

(840.) SEC. 58. At the time of paying over the moneys collected to the County Treasurer, pursuant to the provisions of this chapter, the Township Treasurer shall make out, under oath, a statement of all moneys collected by him on account of taxes, and deliver such statement to the County Treasurer, who shall file and preserve the same in his office.

Town Treasurer to make oath to statement of Taxes collected, etc.

R. S., Sec. 51. Tweed rs. Met. calif; 4 Mich. Rep.

Compensation of
Treasurer for col-
lecting Taxes.

(841.) SEC. 59. The Township Treasurer shall receive, not to exceed four, nor less than two per cent. on the amount collected, which he shall retain out of the moneys collected by him; and in case of a distress and sale of goods or chattels for the payment of any tax, the Treasurer may also collect, on such sale, one dollar and twenty-five cents over and above the tax, as his fees for making such sale; which per centage and fees shall be in full for his services in collecting such taxes, and said Treasurer shall account to the Township Board for the per cent. added for collection expenses on all non-resident lands returned to the County Treasurer.

R. S., Sec. 52.
1849, p. 116.

When Supervisor
to deliver Tax
Roll and Warrant
to Sheriff, and
powers and du-
ties of Sheriff
thereon.

(842.) SEC. 60. In case the Township Treasurer shall neglect, or refuse to file his bond with the County Treasurer in the manner, and within the time prescribed by law, and the Township Board shall fail to appoint a Treasurer who shall give such bond, and deliver a receipt for the same to the Supervisor by the tenth day of November, the Supervisor shall deliver the tax roll and warrant to the Sheriff of the county, to be executed by himself, or his deputy, who shall execute to the County Treasurer a like bond as is required of the Township Treasurers, and make like collections and returns, and shall be entitled to the same compensation allowed to the Township Treasurers, on all taxes so handed over to him for collection; and for the purposes of collecting the same, shall be vested with all the powers conferred upon the Township Treasurer.

R. S., Sec. 53.

Officer to give
receipt on pay-
ment of Tax, etc.

(843.) SEC. 61. The Township Treasurer, or other collecting officer, on the receipt of any tax, shall give a receipt for the same, and shall note on his tax roll the payment thereof; and if any such Treasurer, or other collecting officer, shall wilfully return to the County Treasurer, as unpaid, any taxes which have been paid to him, except where there is a double assessment, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail, not exceeding one year, or by fine, not exceeding five hundred dollars, or both, at the discretion of the Court.

R. S., Sec. 54.

When Warrant
to issue against
Township Treas-
urer.

(844.) SEC. 62. If any Township Treasurer shall neglect, or refuse to pay to the County Treasurer the sums required by his warrant, or to account for the same as unpaid, as required by law, the County Treasurer shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the Sheriff of the county, commanding him to levy such sum as shall remain unpaid and

R. S., Sec. 55.

unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands, and tenements of such Township Treasurer and his sureties, and to pay the said sums to such County Treasurer, and return such warrant, within forty days from the date thereof.

(845.) SEC. 63. The County Treasurer shall forthwith deliver such warrant to the Sheriff of his county, who shall immediately cause the same to be executed, and shall make return thereof to the County Treasurer within the time specified for the return thereof, and pay to such Treasurer the amount required by such warrant; and such Sheriff shall be entitled to collect and receive the same fees as are allowed by law to Sheriffs on executions.

Warrant to be delivered to and executed by the Sheriff of the County.
R. S., Sec. 56.

(846.) SEC. 64. If any Sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make a false return thereto, the County Treasurer shall proceed by attachment in the Supreme Court, or any other Court of competent jurisdiction, against such Sheriff, to collect the whole sum directed to be levied by such warrant, in the same manner, and with like effect, as for neglecting to return an execution in a civil suit, and the proceedings thereon shall be the same in all respects.

Proceedings against Sheriff for neglect or false return.
R. S., Sec. 57.

(847.) SEC. 65. In case the County Treasurer shall fail to collect such moneys by attachment, he shall forthwith cause a prosecution to be had against the Sheriff and his sureties for the sum due on such warrant; which sum, when collected, shall be paid to the County Treasurer.

When County Treasurer to prosecute Sheriff and his sureties.
R. S., Sec. 58.

(848.) SEC. 66. When any County Treasurer shall receive from a Township Treasurer a statement of unpaid taxes on the lands of residents or non-residents, verified according to law, such County Treasurer shall enter the same at length on the books in his office provided for the purpose, and he shall make a correct transcript thereof, which shall be compared by the County Clerk with the statement of the Township Treasurer, as certified by the County Treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate that he has examined and compared the same with the certified statement of the Township Treasurer, and found it correct.

County Treasurer to enter return of lands delinquent for Taxes, and make transcript, etc.
R. S., Sec. 59.

(849.) SEC. 67. Such transcript, so made out, compared and certified, shall be forwarded by the County Treasurer to the Auditor General, by the first day of March next after the

Transcript to be forwarded to the Auditor General by the first of March following.

R. S., Sec. 60. return of such statement; but such transcript shall be receivable at any time during said month of March.

Real Estate assessed to resident; proceeding on return of. (850.) SEC. 68. If the taxes on any real estate assessed to a resident shall be returned unpaid, according to law, the same proceedings shall be had thereon, in all respects, as in cases of lands assessed as non-resident.

Payment of Taxes after return. (851.) SEC. 69. Any person may pay the taxes on any parcel of lands returned as aforesaid, or any undivided share thereof, with interest calculated thereon, from the first day of February next after the same were assessed, at the rate of fifteen per cent. per annum, and the office charges, to the Treasurer of the county in which the lands are situated, at any time before they are sold for taxes, or to the State Treasurer, on the certificate of the Auditor General, at any time before the first day of September next preceding the time appointed for such sale.

Office charges. (852.) SEC. 70. The County Treasurer and Auditor General shall add, for office charges upon each certificate containing one description, twenty-five cents, and for each additional description, in the same certificate, six cents; and the amount received by the County Treasurers for charges, shall go into the County Treasuries, of which they shall keep an accurate account, and the amount received at the State Treasurer's office shall go into the State Treasury, to the credit of the general fund.

Duplicate receipts. R. S., Sec. 64. (853.) SEC. 71. The County Treasurers shall issue duplicate receipts for all taxes received by them, which shall not operate as a discharge of the taxes until countersigned by the County Clerk, and one of said duplicates shall be left with such clerk; but no additional charge shall be made for issuing duplicate receipts.

County Clerk to enter receipt, transmit duplicates, etc. (854.) SEC. 72. The duplicates of such receipts shall be filed by the County Clerk, who shall make an entry of the amount for which every such receipt was given, with the name of the person paying such tax, in a book to be provided by him for that purpose, at the expense of the county; and shall, on the first Monday of each month, forward all receipts on file in his office to the Auditor General, in such manner as he may direct.

When County Treasurer to make return of moneys to State Treasurer. (855.) SEC. 73. Every County Treasurer, who shall have received into the Treasury of his county sufficient to make up the amount of taxes assessed for township and county purposes,

shall make returns at least once in three months, to the State Treasurer, at such times, and in such manner as he shall direct, of the amount received by him for delinquent taxes, payable to such State Treasurer. R. S., Sec. 66.

(856.) SEC. 74. Until the several counties, which shall have remaining unpaid more delinquent taxes than the amount of the State tax for the year in which the same were assessed, shall have received the amount raised for township and county purposes, they shall be entitled to receive from the State Treasurer, at the close of each month, in specie or its equivalent, the amount there received for delinquent county or township taxes returned from the several counties, until they shall have received the amounts assessed in such counties for other than State tax. When County Treasurer to receive Taxes paid to State Treasurer. R. S., Sec. 67.

(857.) SEC. 75. Immediately after the returns of the several Township Treasurers to the County Treasurers, in all cases where the amount collected shall exceed the amount raised for county and township purposes, the County Treasurer shall forthwith pay into the State Treasury the excess collected as aforesaid, for which amount the said counties shall be credited on account of the State tax for the proper year. When County Treasurer to pay excess into State Treasury. R. S., Sec. 68.

OF THE SALE OF LANDS FOR TAXES, AND THE CONVEYANCE AND REDEMPTION THEREOF.

(858.) SEC. 76. All lands returned to the Auditor General, as provided by law, upon which the taxes, interest and charges shall not be paid, or be charged back to the proper county, shall be subject to sale and redemption, as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed. What Lands to be subject to Redemption and Sale, and when to be sold. R. S., Sec. 62.

(859.) SEC. 77. The Auditor General shall make out a separate statement of all such lands as the taxes shall remain due upon, in each of the respective counties; specifying the amount of taxes due on each parcel, the interest thereon to the first Monday of October thereafter, together with the costs of advertising, postages, expense of sale, and returns thereof, and conveyances, calculated upon each description, by dividing such charges by the whole number of descriptions. And accompanying, or preceding such statements, the Auditor General shall cause to be published in the respective counties, Statement to be made by Auditor General. 1848, p. 257.

a list of all lands not sold by the several County Treasurers at the time prescribed by law, on account of error in advertising, or other cause not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid, or not otherwise discharged, for the taxes of any year prior to that for which the statements above mentioned are made up; and deeds given by the Auditor General to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given; the deed for the latest year's tax taking precedence; and the interest on such readvertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Auditor General
to cause state-
ment to be pub-
lished.

(860.) SEC. 78. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situate, for eight weeks successively, next previous to the first Monday of October in each year (which shall be construed to mean eight publications, once a week), in one newspaper, printed and published in such county, if there be one which shall have been established therein two months prior to the first day of July; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein for the period aforesaid; but if there is no such newspaper printed, or published in the same, or any adjoining county, such statement shall be printed and published in some other newspaper, to be designated by the Auditor General. (j)

R. S., Sec. 71.

When to be pub-
lished in adjoining
County.

Auditor General
to designate
paper, etc.

(861.) SEC. 79. The newspapers in which such statements are to be published, shall be designated by the Auditor General, on or before the first day of July in each and every year, and not afterwards, unless the proprietor of any paper so designated shall neglect, or refuse to print and publish such statement, or unless from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication. (k)

R. S., Sec. 72.

Cost of Printing.

(862.) SEC. 80. The cost of printing and publishing such

(j) As amended by "An Act to amend an Act, entitled, 'An Act to Provide for Assessing Property at its true value, and for Levying and Collecting Taxes thereon,' approved February 14, 1853." Approved February 12, 1855. Laws of 1855, p. 278.

(k) As amended by the Act of February 12, 1855. See last note.

statements shall not exceed thirty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement, who shall not forward to the Auditor General, within twenty days after the last publication thereof, an affidavit made by some person to whom the facts are known, stating such publication, and also that he has transmitted to each County Treasurer, by mail, copies of the two first numbers of his paper containing such statement, immediately after their publication. R. S., Sec. 73.

(863.) SEC. 81. The Auditor General shall annex to, and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose, will be sold by the County Treasurer on the first Monday of October next thereafter, at such public and convenient place at the seat of justice of the county, as the County Treasurer may select, for the payment of taxes, interest and charges thereon. Notice to be published with statement. R. S., Sec. 74. Niles vs. Walker, 4 Mich. Rep.

(864.) SEC. 82. As soon after the first Monday of September as shall be practicable, the Auditor General shall prepare and transmit to the several County Treasurers, lists of all lands described in the respective statements, on which the taxes, interest and charges shall have been paid; which lands, together with all the lands whereon the taxes, interest and charges shall have been paid to the County Treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective County Treasurers, and shall be withheld from sale. Lists of Lands to be withheld to be transmitted by Auditor General to County Treasurer, etc. R. S., Sec. 75.

(865.) SEC. 83. On the day designated in the notice of sale, the several County Treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day (Sundays excepted), until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest and charges thereon: *Provided*, That every description of land embraced in said notice, which has been bid off to the State at a previous sale, and which remains unredeemed, or otherwise disposed of, shall be bid off to the State by said County Treasurers. Sale how made. R. S., Sec. 76. 2 Mich. Rep. 192.

(866.) SEC. 84. In case less than the whole of any parcel described in the statements aforesaid, shall be sold for the taxes, interest and charges thereon, the portion thereof sold shall be taken from the north side, or north end of such parcel, Where Land taken when part of Lot only is sold. R. S., Sec. 77.

and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold, shall be bounded on the south by a line running due east and west.

Payment of Bids,
when to be made,
etc.
R. S., Sec. 78.

(867.) SEC. 85. The County Treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours, he may declare the bid canceled, and, at his discretion, sell the lands again; and any person so neglecting, or refusing to pay any bid made by him, shall not be entitled, after such neglect, to have any bid made by him received by the Treasurer during such sale.

Funds receivable
at Sales.
R. S., Sec. 79.

(868.) SEC. 86. The several County Treasurers shall receive, on such sales, such funds only as shall, at the time, be receivable by law at the State Treasury on account of the general and delinquent tax funds; and so much as may be necessary to pay for printing, and charges of sales, shall be paid in specie, or its equivalent.

Notice of amount
to be paid in
specie; State
Treasurer to
direct remitt-
ances, etc.
R. S., Sec. 80.

(869.) SEC. 87. The State Treasurer shall notify the County Treasurers what amount must be paid in specie, or its equivalent; and the remittance of all moneys received at tax sales shall be made as directed by the State Treasurer; and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund, as received.

Certificate of
Sale.

R. S., Sec. 81.

(870.) SEC. 88. At the sale aforesaid, the respective County Treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased, and the amount paid therefor; and shall endorse thereon the kind of funds received; and such certificate shall be regularly numbered, and a copy of each forwarded by the County Treasurers to the Auditor General, in such manner as he shall direct.

When Auditor
General to ex-
ecute Deed, etc.
R. S., Sec. 82.

(871.) SEC. 89. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a deed of the land therein described, unless he shall have discovered

Effect of Deed as
Evidence.

2 Mich. Rep. 486.

that the same was improperly sold; which deed shall be *prima facie* evidence of the regularity of all the proceedings from the

valuation of the land by the Assessors, to the date of the deed inclusive, and of title in the purchaser. (l)

(872.) SEC. 90. In case of the loss of such certificate of sale, ^{Loss of Certificate.} the purchaser, or his legal representative, or assignee, may file his affidavit of such loss, and that he was, at the time of such loss, the *bona fide* and legal holder thereof; and the Auditor General shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, in the same manner ^{1847, p. 121, Sec. 1.} as though it had been presented and surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit, with intent to defraud, upon conviction thereof, before a Court having jurisdiction of the offence.

(873.) SEC. 91. Any person claiming any of the lands sold ^{How Lands may be Redeemed.} as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying at his option into the State Treasury, or to the Treasurer of the ^{1847, p. 121.} county where such lands are situated, the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum; of which interest twenty per cent. shall be paid by the State Treasurer to the purchaser, and five per cent. shall belong to the State, and be passed to the credit of the general fund.

(874.) SEC. 92. When any land shall be redeemed as pro- ^{Interest how computed.} vided in the preceding section, the interest shall, in all cases, be computed from the day of sale up to the end of the current ^{R. S., Sec. 84.} quarter of the year limited for such redemption.

(875.) SEC. 93. Upon the payment of the redemption money ^{Duplicate Certificates of Redemption to be issued, etc.} and interest to the County Treasurer, as aforesaid, he shall issue duplicate certificates of redemption, in the usual form, both of which certificates shall be countersigned by the County Clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the ^{1847, p. 121.} person paying the same; one of which certificates shall be delivered to the person making the payment, and the other

(l) See note to Section 795.

shall be transmitted by the County Clerk to the Auditor General, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

Auditor General
to charge County
with amount of
Certificate, etc.

1847, p. 122.

(876.) SEC. 94. The total amount of such redemption certificate shall be charged by the Auditor General to the county returning the same, if the amount shall be found by the books of his office to be due such county; and if not thus due, then the said amount shall be deposited in the State Treasury by the County Treasurer, at such times as the Auditor General shall require; and if the said County Treasurer shall refuse or neglect for thirty days after such requirement to pay over, or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four of the Revised Statutes of one thousand eight hundred and forty-six; and upon conviction, shall be punished as therein mentioned.

County Treasurer
to execute Bond
to Auditor Gen-
eral.

1847, p. 122.

(877.) SEC. 95. Every County Treasurer shall, on, or before the first day of June next succeeding his election, execute to the Auditor General a bond, in such sum as the said Auditor shall direct, with three or more sureties, to be approved of by the Prosecuting Attorney, *County Judge*, or Circuit Court Commissioners, of the proper county, and the said Auditor, conditioned that such Treasurer, his deputy, and all persons employed in his office, shall render a just and true account of all moneys received by him, or them, for sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General; which bond shall be filed in the office of said Auditor.

In case County
Treasurer ne-
glects to file
bond, Auditor
General may em-
ploy some other
person to conduct
sales.

(878.) SEC. 96. In case the said County Treasurer shall refuse, or neglect to execute and file such bond at the time, and in the manner aforesaid, the Auditor General shall employ, in behalf of the State, some other person to conduct the annual sales of lands delinquent for taxes, and to receive payment therefor under his direction, any law to the contrary notwithstanding; upon such person executing and filing with the said Auditor a similar bond, with sureties as above

mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands, as the proceeds of such sale or otherwise, belonging to the State, whenever required so to do by the Auditor General as aforesaid; and a reasonable compensation for the services of such person shall be allowed, and paid out of said proceeds.

(879.) SEC. 97. If any parcel of land cannot be sold to any person for the taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be reoffered; and if, on such second offer, or during such sales, the same cannot be sold for the amount aforesaid, the County Treasurer shall bid off the same for the State.

When Lands to be reoffered for sale, and when bid in for the State.

R. S., Sec. 85.

(880.) SEC. 98. All lands bid off for the State, as provided in the last preceding section, shall continue liable to be taxed, in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands.

Lands bid off to the State liable to taxation.
R. S., Sec. 83.

(881.) SEC. 99. If the Auditor General shall discover, before the sale, or before the conveyance of any lands as aforesaid, that on account of irregular assessments, or for any other cause, any of such lands ought not to be sold or conveyed, he shall forbear to cause the same to be sold, or withhold a conveyance, after sale, as the case may be; and in such case, if a sale has been made, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent. interest thereon.

Proceedings in case of irregularity.

R. S., Sec. 87.

(882.) SEC. 100. If such errors originated with the county or township officers, the amount so refunded shall be charged against the county from which the tax was returned, and the Supervisors of such county shall cause the same to be refunded to the State Treasury.

When amount refunded to be charged against County.
R. S., Sec. 88.

(883.) SEC. 101. If, at any time within two years after the date of purchase of any land sold for taxes, it shall be made to appear to the satisfaction of the Auditor General, that, for any cause, said sale was invalid, he shall have power, and it shall be his duty to cancel said sale, and to cause the money paid therefor to be refunded, with seven per cent. interest, to be calculated from the date of said sale to the date of the cancellation thereof: *Provided*, That the Auditor General shall have power, and it shall be his duty to cancel any such sale at any time when it shall be made to appear to his satisfaction:

When Auditor General may cancel Sales, etc.

1. That the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold ;

2. That the taxes have been paid, or that application in writing to pay said taxes, or redeem said land, was made to the proper officer within the time limited by law for the payment or redemption thereof. (*m*)

Certificate of
cancellation to be
issued.

(884.) SEC. 102. Whenever, within the time above limited, the Auditor General shall be satisfied that any deed executed by him upon the sale of any land for taxes, has been erroneously executed, and ought to be cancelled, he shall, on application of the person claiming the premises, give the applicant a certificate of the same, duly executed and proved, and acknowledged, as other documents for record are proved and acknowledged ; and whenever such certificate, so proved and acknowledged, shall be presented to the Register of the proper county where said deed shall have been recorded, the said Register shall record the same, and cancel the said deed of record, by a short memorandum written on the margin, or on the face of said deed, stating the substance of said certificate ; and thereupon the said deed shall be absolutely void, so far as the lands described in said deed and in said certificate are identical.

1847, p. 121.

Reasons for can-
celment to be
stated in notice
to purchaser.
1847, p. 123.

(885.) SEC. 103. In all cases when lands sold for taxes have been conveyed by deed, and the Auditor General deeming the title invalid, shall cancel the deed pursuant to law, he shall, at the time of offering to the purchaser his money, and interest, as the law requires, also briefly state the reasons for such cancellation.

Money to be re-
funded to State.
State not liable
for costs.
R. S., Sec. 90.

(886.) SEC. 104. Such money, when paid by the State Treasurer, shall be refunded to the State Treasury by the proper county ; and in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

Accounts of
County Treasur-
ers to be stated
by Auditor Gen-
eral.

(887.) SEC. 105. The Auditor General shall state the account of the several County Treasurers, on the first day of July in each year, allowing to the several counties ten per cent. interest on such portions of the taxes unpaid on the first day of February in the same year as shall belong to them for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to the County Clerk, who shall

R. S., Sec. 91.

lay the same before the Board of Supervisors at their first meeting after the receipt of the same.

OF REJECTIONS AND REASSESSMENTS.

(888.) SEC. 106. Whenever the County Treasurer shall be notified by the Auditor General, or shall otherwise become satisfied that any tax has been paid to the Township Treasurer, or that there was a double assessment upon any lands, or that any parcel is so erroneously or defectively described that it cannot be sold, he shall deliver to the Board of Supervisors an accurate statement thereof; and the said board shall cause the same to be reassessed upon the same land in the next year's tax, or raise the amount upon the proper township, or otherwise correct such errors, as they shall consider just.

When tax rejected, etc., Supervisors to reassess the same.

R. S., Sec. 92.

(889.) SEC. 107. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office shall be rejected for any cause, or having been credited, shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed, shall have been set off to some other county, or attached to some other county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they may belong at the time of such rejection.

How rejected Taxes, etc., to be charged back.
R. S., Sec. 93.

(890.) SEC. 108. It shall be the duty of the Board of Supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated, provided such taxes shall not have been previously paid or reassessed.

Supervisors to furnish list of Land detached from County on which Taxes are charged back.

R. S., Sec. 94.

(891.) SEC. 109. The Auditor General, immediately after ascertaining the amount of taxes, interest and charges, due upon any lands which may have been, or may hereafter be rejected or charged back as hereinbefore provided, shall forward to the Treasurer of the county in which such lands shall then be situated, or to which they may be attached, a description of such lands, together with a statement of the

Auditor General to forward to County Treasurer a description of Lands, etc.

R. S., Sec. 95.

amount of taxes, interest and charges thereon, and specifying for what year or years such taxes were originally assessed.

County Treasurer
to lay statement
before Board of
Supervisors.

(892.) SEC. 110. The County Treasurer receiving such statement shall lay the same before the Board of Supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General for any informality not affecting the legality of the assessment, the Board of Supervisors shall cause the same to be reassessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

R. S., Sec. 96.

Proceedings
when Tax cannot
be properly re-
assessed on same
Lands.

R. S., Sec. 97.

(893.) SEC. 111. If such taxes cannot be properly reassessed upon the same lands, the Board of Supervisors shall cause the same, or any part thereof to be reassessed upon the taxable property of the proper township, as may appear equitable.

Proceedings
when Tax ex-
ceeds limit fixed
by Law.

(894.) SEC. 112. Whenever the Auditor General shall have rejected any State, county, or township tax, for the reason that the amount assessed for any such purpose exceeds the limitation established by law, the County Treasurer of the county in which the lands so assessed shall be situated shall make out and present to the Board of Supervisors thereof, at their next session, a list of the lands, with the taxes assessed, and the interest accrued thereon.

R. S., Sec. 98.

Ibid.

(895.) SEC. 113. The Board of Supervisors shall cause so much of said taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be reassessed upon the same lands, if they can legally do so, and collected with, and in the same manner as the taxes for the year in which the same shall be reassessed as aforesaid.

R. S., Sec. 99.

Ibid.

(896.) SEC. 114. If any such taxes cannot be properly reassessed upon the same lands, the Board of Supervisors shall cause the same, or any part thereof, under the limitations aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

R. S., Sec. 100.

Taxes assessed
on Village Prop-
erty, rejected for
informality to be
reassessed.

(897.) SEC. 115. All taxes assessed on any lot or block, or any part thereof, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eighteen hundred and forty-seven, or which may hereafter be rejected, on account of any informality or defect in the execution, filing acknowledgment, or recording of the plat of said town or village, or any addition thereto, the Board of Supervisors of the respective counties may cause the same to be reassessed by the same lots or blocks, or parts thereof,

1848, p. 76.

which are respectively chargeable with said taxes, as provided by law in other cases of reassessments, excepting such lots, or parts of lots, as have been sold since the rejection of said taxes; and all the provisions of law concerning the assessment, collection, and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the reassessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

(898.) SEC. 116. If at any time it shall be discovered that the Treasurer of any township has received the tax assessed upon property which he has returned delinquent, the Supervisor shall have power, and he is hereby required to collect the same, in the name of his township, from such Treasurer, or his sureties, together with interest and charges.

Liability of Collector, who has received Tax returned unpaid.

OF LANDS BID OFF TO THE STATE FOR TAXES; THEIR REDEMPTION
AND SALE.

(899.) SEC. 117. All lands heretofore bid off, or that may hereafter be bid off to the State, for taxes, which have not been redeemed, or otherwise discharged, shall be offered for sale at the annual tax sales in October in each year.

Lands bid off to the State to be offered at October Sales.

(900.) SEC. 118. The Auditor General shall furnish to each of the County Treasurers, in the month of August in each and every year, a full and accurate statement of all the lands in his county that may have been bid in for the State, remaining unredeemed, or not otherwise discharged.

Auditor General to furnish statements to County Treasurers.

(901.) SEC. 119. Such statement shall exhibit the aggregate amount of all sums due to the State on each description of land, including interest thereon at the rate of twenty-five per cent. per annum, from the time the lands were bid in by the State, to the first Monday in October in the year in which they shall be first offered as State tax lands, as contemplated in the preceding section: *Provided*, That on all State tax lands, which have, or should have been once previously offered at public sales, and which, remaining unsold, are again to be offered as above, there shall be charged upon the amount for which each description thereof has, or should have been so offered, interest at the rate of ten per cent. per annum, from the time when they were so, or should have been so first offered, to the said first Monday of October.

Contents of statements; interest, etc.

1847, p. 124.

(902.) SEC. 120. The Auditor General shall cause to be published for eight weeks successively (which shall be con-

Notice of Sale.

- strued to mean eight publications, once a week); next previous to the first Monday of October in each year, a notice that the lands described in such statement will be sold at public auction by the Treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.
- 1847, p. 124. (903.) SEC. 121. At the time designated in the notice, and immediately previous to the sale of other lands advertised to be sold for taxes at the same time, such County Treasurer shall commence the sale at the place designated, and continue the same from day to day, if necessary (Sundays excepted), until he has offered all the lands embraced in his list which have not been redeemed, or otherwise discharged; and he may reoffer and sell any parcel, when a bidder shall refuse to pay his bid for twenty-four hours after the lists have been gone through, or he may, in his discretion, demand immediate payment; and if not paid, cancel the bid and reoffer the lands.
- Time and manner of Sale. (904.) SEC. 122. In all cases when a description of land is offered as State tax land, and the same description, or any part thereof, shall be offered in the regular list of lands delinquent for taxes, as provided in section eighty-three of this act, it shall be the duty of the County Treasurer to inform the person bidding for the description offered as State tax lands of the fact, and such person shall be required to purchase the description so offered in the regular list, at the same time the description offered as State tax land is bid off by him; and in case of his neglect or refusal so to do, the Treasurer shall withhold said description of State tax land from sale; but may reoffer the same as provided in the next preceding section.
- Lacy vs. Davis, 4 Mich. Rep. (905.) SEC. 123. The County Treasurer shall, on payment of the purchase money at such sale, issue certificates of sale to the purchasers, in such form, and make such returns to the Auditor General, as shall be prescribed by him, and shall also transmit the moneys received on such sale to the State Treasurer, in such manner as he shall have directed.
- Purchaser must buy for subsequent year, etc. (906.) SEC. 124. The Auditor General shall, on the presentation and surrender of the State tax land certificate of sale at his office, or as soon thereafter as may be (except in cases where the land has been previously sold at the Auditor General's office, or redeemed, when the purchase money only shall be refunded), execute a deed of the lands to the purchaser or his assigns, which shall convey all the right acquired by the State under the original sale, or sales; and such deed
- County Treasurer to issue certificate of Sale.
- Auditor General to execute Deed.

shall be *prima facie* evidence of the correctness of all the proceedings to the date of the deed, and of the title of the grantee therein named; and when duly acknowledged, may be recorded and admitted in evidence, in the same manner as other deeds of conveyance; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record five years, in the office of the Register of Deeds of the county in which the land therein described is situated, shall be positive evidence that the land therein described was, by such deed conveyed, in fee simple, to the grantee therein named, and his heirs or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

(907.) SEC. 125. Any person may redeem any lands, or any part or interest which shall be clearly defined in any lands heretofore bid in, or that may hereafter be bid for the State, at any time within one year next succeeding the sale at which the same was bid in, by paying into the State Treasury, on the certificate of the Auditor General, the amount for which the same was so bid in, with interest thereon at the rate of twenty-five per cent. per annum, as is contemplated and provided in sections ninety-one and ninety-two of this act. Redemption of lands bid off to the State. 1847, p. 123.

(908.) SEC. 126. All such lands remaining unredeemed, except such descriptions as the State may have a title to for another year or years, shall be subject to sale at any time at the office of the Auditor General, and upon the payment therefor, on his certificate to the State Treasurer of the amount for which such lands were bid off to the State, with interest at twenty-five per cent. per annum, to be computed from the first Monday in October, when such lands were bid off to the State to the time of such application, the Auditor General shall issue to the purchaser a certificate of purchase. Purchaser of State bids at Auditor General's Office, etc.

(909.) SEC. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount of the bid, together with twenty per cent. interest, as contemplated and provided in section ninety-one of this act; if otherwise discharged, then to the amount paid by him, with interest at seven per cent. per annum, to be computed from the date of the purchase to the date of such discharge. But if such lands are not redeemed or otherwise discharged according to law, the Auditor General shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described. Amount to be refunded, in case of redemption, etc. If not redeemed, etc., Deed to be executed by Auditor General.

and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold, shall be bounded on the south by a line running due east and west.

Payment of Bids,
when to be made,
etc.
R. S., Sec. 78.

(867.) SEC. 85. The County Treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours, he may declare the bid canceled, and, at his discretion, sell the lands again; and any person so neglecting, or refusing to pay any bid made by him, shall not be entitled, after such neglect, to have any bid made by him received by the Treasurer during such sale.

Funds receivable
at Sales.
R. S., Sec. 79.

(868.) SEC. 86. The several County Treasurers shall receive, on such sales, such funds only as shall, at the time, be receivable by law at the State Treasury on account of the general and delinquent tax funds; and so much as may be necessary to pay for printing, and charges of sales, shall be paid in specie, or its equivalent.

Notice of amount
to be paid in
specie; State
Treasurer to
direct remittances, etc.
R. S., Sec. 80.

(869.) SEC. 87. The State Treasurer shall notify the County Treasurers what amount must be paid in specie, or its equivalent; and the remittance of all moneys received at tax sales shall be made as directed by the State Treasurer; and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund, as received.

Certificate of
Sale.

R. S., Sec. 81.

(870.) SEC. 88. At the sale aforesaid, the respective County Treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased, and the amount paid therefor; and shall endorse thereon the kind of funds received; and such certificate shall be regularly numbered, and a copy of each forwarded by the County Treasurers to the Auditor General, in such manner as he shall direct.

When Auditor
General to ex-
ecute Deed, etc.
R. S., Sec. 82.

(871.) SEC. 89. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a deed of the land therein described, unless he shall have discovered

Effect of Deed as
Evidence.

2 Mich. Rep. 486.

that the same was improperly sold; which deed shall be *prima facie* evidence of the regularity of all the proceedings from the

valuation of the land by the Assessors, to the date of the deed inclusive, and of title in the purchaser. (I)

(872.) SEC. 90. In case of the loss of such certificate of sale, ^{Loss of Certificate.} the purchaser, or his legal representative, or assignee, may file his affidavit of such loss, and that he was, at the time of such loss, the *bona fide* and legal holder thereof; and the Auditor General shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, in the same manner ^{1847, p. 121, Sec. 1.} as though it had been presented and surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit, with intent to defraud, upon conviction thereof, before a Court having jurisdiction of the offence.

(873.) SEC. 91. Any person claiming any of the lands sold ^{How Lands may be Redeemed.} as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying at his option into the State Treasury, or to the Treasurer of the ^{1847, p. 121.} county where such lands are situated, the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum; of which interest twenty per cent. shall be paid by the State Treasurer to the purchaser, and five per cent. shall belong to the State, and be passed to the credit of the general fund.

(874.) SEC. 92. When any land shall be redeemed as pro- ^{Interest how computed.} vided in the preceding section, the interest shall, in all cases, be computed from the day of sale up to the end of the current ^{R. S., Sec. 84.} quarter of the year limited for such redemption.

(875.) SEC. 93. Upon the payment of the redemption money ^{Duplicate Certificates of Redemption to be issued, etc.} and interest to the County Treasurer, as aforesaid, he shall issue duplicate certificates of redemption, in the usual form, both of which certificates shall be countersigned by the County Clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the ^{1847, p. 121.} person paying the same; one of which certificates shall be delivered to the person making the payment, and the other

(I) See note to Section 796.

shall be transmitted by the County Clerk to the Auditor General, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

Auditor General
to charge County
with amount of
Certificate, etc.

(876.) SEC. 94. The total amount of such redemption certificate shall be charged by the Auditor General to the county returning the same, if the amount shall be found by the books of his office to be due such county; and if not thus due, then the said amount shall be deposited in the State Treasury by the County Treasurer, at such times as the Auditor General shall require; and if the said County Treasurer shall refuse or neglect for thirty days after such requirement to pay over, or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four of the Revised Statutes of one thousand eight hundred and forty-six; and upon conviction, shall be punished as therein mentioned.

1847, p. 122.

County Treasurer
to execute Bond
to Auditor General.

(877.) SEC. 95. Every County Treasurer shall, on, or before the first day of June next succeeding his election, execute to the Auditor General a bond, in such sum as the said Auditor shall direct, with three or more sureties, to be approved of by the Prosecuting Attorney, *County Judge*, or Circuit Court Commissioners, of the proper county, and the said Auditor, conditioned that such Treasurer, his deputy, and all persons employed in his office, shall render a just and true account of all moneys received by him, or them, for sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General; which bond shall be filed in the office of said Auditor.

1847, p. 122.

In case County
Treasurer ne-
glects to file
bond, Auditor
General may em-
ploy some other
person to conduct
sales.

(878.) SEC. 96. In case the said County Treasurer shall refuse, or neglect to execute and file such bond at the time, and in the manner aforesaid, the Auditor General shall employ, in behalf of the State, some other person to conduct the annual sales of lands delinquent for taxes, and to receive payment therefor under his direction, any law to the contrary notwithstanding; upon such person executing and filing with the said Auditor a similar bond, with sureties as above

mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands, as the proceeds of such sale or otherwise, belonging to the State, whenever required so to do by the Auditor General as aforesaid; and a reasonable compensation for the services of such person shall be allowed, and paid out of said proceeds. 1847, p. 122.

(879.) SEC. 97. If any parcel of land cannot be sold to any person for the taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be reoffered; and if, on such second offer, or during such sales, the same cannot be sold for the amount aforesaid, the County Treasurer shall bid off the same for the State. When Lands to be reoffered for sale, and when bid in for the State. R. S., Sec. 85.

(880.) SEC. 98. All lands bid off for the State, as provided in the last preceding section, shall continue liable to be taxed, in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands. Lands bid off to the State liable to taxation. R. S., Sec. 83.

(881.) SEC. 99. If the Auditor General shall discover, before the sale, or before the conveyance of any lands as aforesaid, that on account of irregular assessments, or for any other cause, any of such lands ought not to be sold or conveyed, he shall forbear to cause the same to be sold, or withhold a conveyance, after sale, as the case may be; and in such case, if a sale has been made, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent. interest thereon. Proceedings in case of irregularity. R. S., Sec. 87.

(882.) SEC. 100. If such errors originated with the county or township officers, the amount so refunded shall be charged against the county from which the tax was returned, and the Supervisors of such county shall cause the same to be refunded to the State Treasury. When amount refunded to be charged against County. R. S., Sec. 88.

(883.) SEC. 101. If, at any time within two years after the date of purchase of any land sold for taxes, it shall be made to appear to the satisfaction of the Auditor General, that, for any cause, said sale was invalid, he shall have power, and it shall be his duty to cancel said sale, and to cause the money paid therefor to be refunded, with seven per cent. interest, to be calculated from the date of said sale to the date of the cancellation thereof: *Provided*, That the Auditor General shall have power, and it shall be his duty to cancel any such sale at any time when it shall be made to appear to his satisfaction: When Auditor General may cancel Sales, etc.

1. That the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold ;

2. That the taxes have been paid, or that application in writing to pay said taxes, or redeem said land, was made to the proper officer within the time limited by law for the payment or redemption thereof. (*m*)

Certificate of
cancellation to be
issued.

(884.) SEC. 102. Whenever, within the time above limited, the Auditor General shall be satisfied that any deed executed by him upon the sale of any land for taxes, has been erroneously executed, and ought to be cancelled, he shall, on application of the person claiming the premises, give the applicant a certificate of the same, duly executed and proved, and acknowledged, as other documents for record are proved and acknowledged ; and whenever such certificate, so proved and acknowledged, shall be presented to the Register of the proper county where said deed shall have been recorded, the said Register shall record the same, and cancel the said deed of record, by a short memorandum written on the margin, or on the face of said deed, stating the substance of said certificate ; and thereupon the said deed shall be absolutely void, so far as the lands described in said deed and in said certificate are identical.

1847, p. 121.

Reasons for can-
celment to be
stated in notice
to purchaser.
1847, p. 123.

(885.) SEC. 103. In all cases when lands sold for taxes have been conveyed by deed, and the Auditor General deeming the title invalid, shall cancel the deed pursuant to law, he shall, at the time of offering to the purchaser his money, and interest, as the law requires, also briefly state the reasons for such cancellation.

Money to be re-
funded to State.
State not liable
for costs.
R. S., Sec. 90.

(886.) SEC. 104. Such money, when paid by the State Treasurer, shall be refunded to the State Treasury by the proper county ; and in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

Accounts of
County Treasur-
ers to be stated
by Auditor Gen-
eral.

(887.) SEC. 105. The Auditor General shall state the account of the several County Treasurers, on the first day of July in each year, allowing to the several counties ten per cent. interest on such portions of the taxes unpaid on the first day of February in the same year as shall belong to them for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to the County Clerk, who shall

R. S., Sec. 91.

lay the same before the Board of Supervisors at their first meeting after the receipt of the same.

OF REJECTIONS AND REASSESSMENTS.

(888.) SEC. 106. Whenever the County Treasurer shall be notified by the Auditor General, or shall otherwise become satisfied that any tax has been paid to the Township Treasurer, or that there was a double assessment upon any lands, or that any parcel is so erroneously or defectively described that it cannot be sold, he shall deliver to the Board of Supervisors an accurate statement thereof; and the said board shall cause the same to be reassessed upon the same land in the next year's tax, or raise the amount upon the proper township, or otherwise correct such errors, as they shall consider just.

When tax rejected, etc., Supervisors to reassess the same.

R. S., Sec. 92.

(889.) SEC. 107. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office shall be rejected for any cause, or having been credited, shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed, shall have been set off to some other county, or attached to some other county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they may belong at the time of such rejection.

How rejected Taxes, etc., to be charged back.
R. S., Sec. 93.

(890.) SEC. 108. It shall be the duty of the Board of Supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated, provided such taxes shall not have been previously paid or reassessed.

Supervisors to furnish list of land detached from County on which Taxes are charged back.

R. S., Sec. 94.

(891.) SEC. 109. The Auditor General, immediately after ascertaining the amount of taxes, interest and charges, due upon any lands which may have been, or may hereafter be rejected or charged back as hereinbefore provided, shall forward to the Treasurer of the county in which such lands shall then be situated, or to which they may be attached, a description of such lands, together with a statement of the

Auditor General to forward to County Treasurer a description of Lands, etc.

R. S., Sec. 95.

amount of taxes, interest and charges thereon, and specifying for what year or years such taxes were originally assessed.

County Treasurer
to lay statement
before Board of
Supervisors.

(892.) SEC. 110. The County Treasurer receiving such statement shall lay the same before the Board of Supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General for any informality not affecting the legality of the assessment, the Board of Supervisors shall cause the same to be reassessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

R. S., Sec. 96.

Proceedings
when Tax cannot
be properly re-
assessed on same
Lands.

R. S., Sec. 97.

(893.) SEC. 111. If such taxes cannot be properly reassessed upon the same lands, the Board of Supervisors shall cause the same, or any part thereof to be reassessed upon the taxable property of the proper township, as may appear equitable.

Proceedings
when Tax ex-
ceeds limit fixed
by Law.

R. S., Sec. 98.

(894.) SEC. 112. Whenever the Auditor General shall have rejected any State, county, or township tax, for the reason that the amount assessed for any such purpose exceeds the limitation established by law, the County Treasurer of the county in which the lands so assessed shall be situated shall make out and present to the Board of Supervisors thereof, at their next session, a list of the lands, with the taxes assessed, and the interest accrued thereon.

Ibid.

(895.) SEC. 113. The Board of Supervisors shall cause so much of said taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be reassessed upon the same lands, if they can legally do so, and collected with, and in the same manner as the taxes for the year in which the same shall be reassessed as aforesaid.

R. S., Sec. 99.

Ibid.

(896.) SEC. 114. If any such taxes cannot be properly reassessed upon the same lands, the Board of Supervisors shall cause the same, or any part thereof, under the limitations aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

R. S., Sec. 100.

Taxes assessed
on Village Prop-
erty, rejected for
informality to be
reassessed.

(897.) SEC. 115. All taxes assessed on any lot or block, or any part thereof, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eighteen hundred and forty-seven, or which may hereafter be rejected, on account of any informality or defect in the execution, filing acknowledgment, or recording of the plat of said town or village, or any addition thereto, the Board of Supervisors of the respective counties may cause the same to be reassessed by the same lots or blocks, or parts thereof,

1848, p. 75.

which are respectively chargeable with said taxes, as provided by law in other cases of reassessments, excepting such lots, or parts of lots, as have been sold since the rejection of said taxes; and all the provisions of law concerning the assessment, collection, and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the reassessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

(898.) SEC. 116. If at any time it shall be discovered that the Treasurer of any township has received the tax assessed upon property which he has returned delinquent, the Supervisor shall have power, and he is hereby required to collect the same, in the name of his township, from such Treasurer, or his sureties, together with interest and charges.

Liability of Collector, who has received Tax returned unpaid.

OF LANDS BID OFF TO THE STATE FOR TAXES; THEIR REDEMPTION
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Contents of statements; interest, etc.

1847, p. 124.

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Notice of Sale.

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- Auditor General to execute Deed.

shall be *prima facie* evidence of the correctness of all the proceedings to the date of the deed, and of the title of the grantee therein named; and when duly acknowledged, may be recorded and admitted in evidence, in the same manner as other deeds of conveyance; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record five years, in the office of the Register of Deeds of the county in which the land therein described is situated, shall be positive evidence that the land therein described was, by such deed conveyed, in fee simple, to the grantee therein named, and his heirs or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

(907.) SEC. 125. Any person may redcem any lands, or any part or interest which shall be clearly defined in any lands heretofore bid in, or that may hereafter be bid for the State, at any time within one year next succeeding the sale at which the same was bid in, by paying into the State Treasury, on the certificate of the Auditor General, the amount for which the same was so bid in, with interest thereon at the rate of twenty-five per cent. per annum, as is contemplated and provided in sections ninety-one and ninety-two of this act.

Redemption of
lands bid off to
the State.

1847, p. 123.

(908.) SEC. 126. All such lands remaining unredeemed, except such descriptions as the State may have a title to for another year or years, shall be subject to sale at any time at the office of the Auditor General, and upon the payment therefor, on his certificate to the State Treasurer of the amount for which such lands were bid off to the State, with interest at twenty-five per cent. per annum, to be computed from the first Monday in October, when such lands were bid off to the State to the time of such application, the Auditor General shall issue to the purchaser a certificate of purchase.

Purchaser of
State bids at
Auditor General's
Office, etc.

(909.) SEC. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount of the bid, together with twenty per cent. interest, as contemplated and provided in section ninety-one of this act; if otherwise discharged, then to the amount paid by him, with interest at seven per cent. per annum, to be computed from the date of the purchase to the date of such discharge. But if such lands are not redeemed or otherwise discharged according to law, the Auditor General shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described.

Amount to be re-
funded, in case
of redemption,
etc.

If not redeemed,
etc., Deed to be
executed by Aud-
itor General.

Purchase of un-
sold State Tax
Lands at Audit-
or General's
Office.

(910.) SEC. 128. Any person may purchase any unsold State tax land, upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the amount for which the same was, or should have been first offered in the county as State tax land, with interest upon said amount at ten per cent. per annum, to be computed from the first Monday in October, in the year in which the land was, or should have been so first offered in the county, to the day of making such application and payment.

Deed to be exe-
cuted by Audit-
or General.

(911.) SEC. 129. Upon application and payment being made as above mentioned, the Auditor General shall execute to such purchaser a deed, conveying all the right, title and interest of the State in and to said State tax lands, acquired by virtue of the original sale or sales to the State.

Provisions rela-
tive to Deeds and
canceling Sales
applicable to
State Tax, Land
Deeds, etc.

(912.) SEC. 130. All the provisions of this act relative to deeds executed by the Auditor General on the surrender of certificates of sale of State tax lands, issued by the several County Treasurers, shall be applicable to deeds executed by him for lands purchased at his office pursuant to the provisions of this act, and all the provisions of this act relative to canceling sales, shall be applicable to sales of lands bid off to the State, whether sold by the County Treasurer or purchased at the office of the Auditor General. (n)

Office charges.

(913.) SEC. 131. The purchaser of any lands bid in for the State at the annual tax sales, and sold pursuant to the provisions of this act, on application to the Auditor General for a deed, shall pay an office charge of twenty-five cents for the first, and six cents for each subsequent description contained in such deed, which shall be paid into the State Treasury, to the credit of the general fund.

R. S., Sec. 114.

Expense of Sale;
Postage, etc.
1847, p. 125.

(914.) SEC. 132. All expenses of sale, postage and other charges, incident to the sales of lands, bid in for the State as

(n) This section does not seem in express terms to require the refunding of the purchase money and interest to the purchaser, on the cancelment of a sale, though such is perhaps the fair construction of it. The provision on that subject, in the act of 1847, p. 125, which is not repealed, unless by this act, is as follows :

" SEC. 14. The Auditor General shall have power, and it shall be his duty, at any time within two years from the date of any such sale, to cancel the same, or the original sale to the State, in all cases where either of such sales shall be shown to his satisfaction to have been invalid for any cause ; and in such case he shall draw his warrant on the State Treasurer in favor of the purchaser or his assigns, for the amount of purchase money, and interest at the rate of seven per cent. per annum, from the time such lands were sold, either at public or private sale, as State tax lands, to the time when the notice of such cancelment shall be given, as mentioned in section one hundred and eleven of Chapter twenty aforesaid."

aforesaid, shall be audited by the Auditor General, and paid out of the general fund on his warrant.

(915.) SEC. 133. In case it shall become necessary, in the prosecution of an action of ejectment, by any person having an adverse claim to any land bid in for the State, as provided in this chapter, the officer having charge of the land in behalf of the State may be defendant.

Who to be made Defendant in case of prosecution of ejectment.
R. S., Sec. 116.

(916.) SEC. 134. Neither the sale of any State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired, shall in any wise prejudice the right of the State to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes, in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

Right of the State to enforce collection of Taxes for subsequent years, not to be prejudiced, etc.
1848, p. 255.

(917.) SEC. 135. Any description of land bid off to the State at the annual tax sales, which shall remain undisposed of for five years from the date when it was so bid off, shall be stricken from the assessment roll, but shall be restored thereto, after the same shall have been sold or otherwise discharged.

When Lands to be struck from Assessment Roll.

(918.) SEC. 136. The Auditor General shall, in the month of March in each year, transmit to the several County Clerks and County Treasurers, lists of all lands to be so struck from the assessment rolls, in their respective counties, and lists of such as have been previously struck from the rolls, but are to be restored and again assessed; and the said clerks respectively, on or before the first Monday of April thereafter, shall transmit a list to the several Supervisors, designating such lands in their respective townships as are to be left out of the assessment roll, and such as have been previously left out, but are to be restored.

Auditor General to transmit lists of Lands to be struck from Assessment Rolls to County Clerks and County Treasurers.

(919.) SEC. 137. When any single description of State tax land shall be sold for the taxes of two or more years, and it shall be made to appear to the Auditor General, within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the State were paid before sale, or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be refunded to the purchaser the amount due and paid on account of said year's tax, with interest at the rate of seven per cent. from the day

When description sold for Taxes of two or more years, and sale void for one year, conveyance to remain good for balance.

1848, p. 256.

of sale until said purchaser was notified that said amount would be refunded; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the State under the sale or sales for taxes of other years, not thus proved to have been illegal or void. (o)

Certain sales to
remain valid.

1848, p. 257.

1846, p. 13.

1846, p. 87 ;

(920.) SEC. 140. All sales of State tax lands, or the bids in behalf of the State, at the Auditor General's office, under the provisions of the act to provide for the sale of certain unsold State tax lands, and for other purposes, approved February seventeenth, eighteen hundred and forty-six, and the act number seventy-two, amendatory thereof, approved April twenty-third, eighteen hundred and forty-six, which were made after the said acts were repealed, and also the sales at the said office, of the bids in behalf of the State on lands sold for the taxes of eighteen hundred and forty-one, eighteen hundred and forty-two, and eighteen hundred and forty-three, and which were previously held by the State as State tax lands, for the taxes of eighteen hundred and forty, and previous years, and the deeds or certificates of purchase issued, or to be issued on account of such sales, shall be as valid as if said acts had not been repealed.

MISCELLANEOUS PROVISIONS.

Person having
Lien may pay
Taxes, and ac-
quire additional
Lien.

R. S., Sec. 117.

Penalty for ne-
glect of duty by
certain Town Of-
ficers.
R. S., Sec. 118.

Duty of Board of
Supervisors as to
forfeitures, etc.

R. S., Sec. 119.

(921.) SEC. 141. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon, and the receipt of the County Treasurer, or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such land to the amount therein specified; and the amount so specified shall be collectable with interest thereon, in the same manner as the original lien.

(922.) SEC. 142. If any Township Clerk or Supervisor shall wilfully neglect, or refuse to perform any of the duties required of him by the provisions of this chapter, he shall forfeit and pay a sum not exceeding one hundred dollars.

(923.) SEC. 143. The Board of Supervisors of each county shall, at their annual session in each year, transmit to the Prosecuting Attorney, the names and places of abode of all Township Clerks and Supervisors within their county, who shall have incurred any forfeiture under the provisions of this

(o) There are no Sections numbered 138 and 139 in this Act.

chapter, and such Prosecuting Attorney shall immediately prosecute for such forfeiture.

(924.) SEC. 144. All losses that may be sustained by the default of the Treasurer of any township, shall be chargeable on such township; and all losses that may be sustained by the default of any County Treasurer in the discharge of the duties imposed by this chapter, shall be chargeable on such county, and the Board of Supervisors of such county shall add such losses to the next year's taxes of such township or county.

Losses sustained by default of County or Township Treasurer, chargeable to County or Town, etc.
R. S., Sec. 120.

(925.) SEC. 145. The Auditor General shall, from time to time, furnish suitable blanks, in addition to those required by the preceding provisions of this chapter, for returns of unpaid taxes, receipts and certificates of sale, which shall be sent to the several County Treasurers.

Auditor General to furnish blanks.
R. S., Sec. 121.

(926.) SEC. 146. The Assessors of the several wards in the City of Detroit shall have, and exercise the powers and duties of Supervisors, and the Collectors of the several wards of said city shall have, and exercise the powers and duties of Township Treasurers, under the provisions of this chapter.

Detroit; who to perform duties of Township Treasurer therein.
R. S., Sec. 122.

(927.) SEC. 147. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of this chapter, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each Supervisor, Township Treasurer, Township Clerk, and County Clerk, and three copies to each County Treasurer; and shall transmit to each County Treasurer, at the expense of the county, a sufficient number for such county; and every County Treasurer receiving such copies shall immediately transmit to the Township Clerk of each township five copies, to be distributed by him to the officers entitled thereto.

Auditor General to cause this Act to be printed, etc.

R. S., Sec. 123.

Any officer who shall wilfully neglect, or refuse to perform any of the duties imposed upon him by this chapter, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the Court.

Officer refusing to perform duties, etc., guilty of misdemeanor.

R. S., Sec. 124.

(928.) SEC. 148. Whenever a surplus arising from the sale of any property distrained for taxes, shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested by such person, such claimant may prosecute an action against such person; or the person for whose tax such property was sold may prosecute

Property distrained for Taxes, proceedings in case of surplus in certain cases.

R. S., Sec. 125.

such action against such claimant, as for money had and received; in which action the right of the respective parties to such surplus shall be tried and determined.

Property distrained for Taxes; proceedings in case of surplus in certain cases.

(929.) SEC. 149. For the purpose of such action, the defendant shall be deemed to be in possession of the surplus in the hands of the Township Treasurer, and upon the presentation to such Treasurer of a certified copy of the final judgment rendered in such action, the said Treasurer shall pay over the same to the party recovering such judgment; and no Township Treasurer shall be liable to any claimant of such surplus, the right to which is contested, as provided in this chapter, until he shall have refused to pay over such surplus upon the production of a certified copy of a judgment as aforesaid.

R. S., Sec. 126.

Edl.

(930.) SEC. 150. In any action brought pursuant to the two last preceding sections, no other cause of action shall be joined, nor shall any set off be allowed; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

R. S., Sec. 127.

Value of Property distrained and sold may be recovered in certain cases.

(931.) SEC. 151. When any property shall be legally distrained and sold for the tax of any person, and such property shall be owned by another person, such owner may recover of the person for whose tax the same was sold the value of such property, in an action of assumpsit, as for goods sold and delivered, deducting therefrom the amount of any surplus which may have been claimed or recovered by such owner, as provided in this chapter.

R. S., Sec. 128.

Duty of Prosecuting Attorney to advise Treasurer and Supervisor.

(932.) SEC. 152. It shall be the duty of the Prosecuting Attorney of each county to give his counsel and advice to the County Treasurer, and the Supervisors of the county, whenever they, or any of them, may deem it necessary for the proper discharge of the duties imposed upon them in this chapter, free of charge.

R. S., Sec. 129.

County Treasurer paying money to Town Treasurers to notify Clerk.

(933.) SEC. 153. Whenever any County Treasurer shall pay to any Township Treasurer any moneys on account of taxes returned from such township, it shall be the duty of such County Treasurer immediately to notify the clerk of the proper township of the amount so paid to such Township Treasurer.

In case of death of purchaser or assignee, Deed to issue in name of deceased.

(934.) SEC. 154. In all cases of sales of land for taxes, if the purchaser or his assignee shall die before a deed shall be executed on such sale, the deed shall be executed by the Auditor General to, and in the name of such deceased person,

if such person, being still alive, would be entitled to the same; which deed shall vest the tax title in the heirs or devisees of such deceased person, in the same manner, and liable to the like claims of creditors and other persons, as if the same had been executed to such deceased person immediately preceding his death. And in all like cases which have heretofore occurred, the same rule shall apply; and all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have the like effect as above provided. 1850, p. 218.

(935.) SEC. 155. The Supervisor of every township in which there shall be assessed the interest of any purchaser of university or primary school lands, as personal property, shall, on or before the first day of November in the year when the same was so assessed, transmit to the Treasurer of his county a list of all such lands, containing a full description thereof, together with the name of the persons to whom respectively the same was so assessed. Duty of Supervisor relative to University and Primary School Lands. 1850, p. 395.

(936.) SEC. 156. That the several County Treasurers shall, at the same time, and in the same manner they are now required to return to the office of the Auditor General lands delinquent for taxes in their respective counties, return to the State Land office a statement of all university and primary school lands upon which, from returns made to them by the Township Treasurers, it appears the taxes assessed have not been paid, and cannot be collected. County Treasurer to return to State Land Office statement of unpaid Taxes on University and Primary School Lands.

(937.) SEC. 157. The Commissioner of the State Land office shall provide suitable books, and enter in the same the description of every parcel of land so returned to his office, and the taxes assessed on the same. Duty of Commissioner of State Land Office.

(938.) SEC. 158. The purchaser or purchasers of any parcel of the land so returned, or the person or persons claiming to have any interest in the same as the assignee or legal representative in any other capacity of such purchaser, shall, under pain of forfeiting his or their interest in such lands, and in the certificate of sale thereof, within the time in which the annual interest is required to be paid on the purchase money of such lands, pay to the State Treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same, at the rate of fifteen per cent. a year, and in addition thereto, on each description, the sum of twenty-five cents, to defray the expenses of the collection of such taxes. Forfeiture in case of neglect to pay Taxes. 1850, p. 396.

Forfeiture in case of neglect to pay Taxes.

(939.) SEC. 159. Every parcel of land returned under the provisions of this act, upon which the taxes, and the interest and charges aforesaid, shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the next preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assignee, or other legal representative; and the lands so forfeited shall be subject to sale in the same manner that other forfeited and unsold university and primary school lands are.

Commissioner to furnish statement to Auditor General of Taxes so paid.

(940.) SEC. 160. The said Commissioner shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest and charges paid on such lands.

Auditor General to credit Counties.

(941.) SEC. 161. The Auditor General shall credit to the proper counties the taxes so paid, with the rate of interest allowed on other delinquent taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund.

Board of Supervisors of organized County to which unorganized Territory is attached may appoint one or more Assessors; their duties, etc.

(942.) SEC. 162. The Board of Supervisors of any organized county, to which is attached any unorganized territory for judicial purposes, may appoint one or more Assessors, who shall hold their office until others are appointed, to be duly qualified, whose duty it shall be to assess the property liable to taxation in such unorganized territory, in the same manner as is herein prescribed for the Supervisors of organized towns, who shall take, complete, and deliver the same to the County Clerk of such organized county, on or before the first day of October, which roll shall be equalized, and go to make the aggregate valuation of said county, the same as the other township rolls, and the relative amount of State and county tax, together with the expense of assessment and collection, shall be apportioned to the property of said rolls, the same as that of the several townships. It shall be the duty of the County Clerk to affix the taxes so apportioned to a true copy of said roll, to annex his warrant thereto, to deliver the same to the Sheriff, who shall give bonds to the County Treasurer that shall be approved by him, to collect and pay over the same, in the time, manner, and under the same restrictions as is herein prescribed for the Town Treasurer to collect and pay to the County Treasurer their several State and county taxes. Said Assessors shall be empowered at any time before the

first day of October, to make and complete an assessment in any organized town that may fail or neglect to make or complete an assessment roll within the time required by this act, and shall deliver the same to the County Clerk, who shall affix the taxes to a true copy thereof, and deliver the same to the Sheriff of said county, who shall give bonds to the County Treasurer, collect and pay over the same in like manner as is required for the unorganized portion of said counties.

(943.) SEC. 163. That all acts, and parts of acts, contravening the provisions of this act be, and the same are hereby repealed. Conflicting enactments repealed.

SEC. 164. This act shall take effect immediately.

An Act Amending the Fifth Section of the Twentieth Chapter of the Revised Statutes Relative to Exemption from Taxation. (p)

[Approved February 7, 1857, Laws of 1857, p. 166.]

(944.) SECTION 1. *The People of the State of Michigan enact,* That the fifth clause of the fifth section of the twentieth chapter of the Revised Statutes be amended by inserting after "therein," the following words: "Also the lands on which such houses of worship may stand, so far as actually occupied by such houses of worship, and for no other purpose," so that the clause shall read as follows:

"(5.) All houses of public worship, with the pews, or slips and furniture therein; also the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purpose; also the rights of burial and tombs, while in use as repositories of the dead." Houses of Public Worship and lots exempted from Taxation.

From Chapter Twenty of Revised Statutes of 1846. (q)

(945.) SEC. 14. The Assessors may divide their townships into districts, for the purpose of ascertaining the property liable to be taxed, and the persons subject to the payment of taxes thereon, and assign one district to each Assessor; but such property and persons, and the valuation of such property, shall be finally determined by them, or a majority of them, Assessors may divide Townships into districts.

(p) The Section here amended was re-enacted, and the exemptions increased by Section 5 of the preceding Act. For that reason it is not republished here.

(q) The whole of Chapter 20 of R. S. is believed to be either repealed or substantially re-enacted, except the Sections which follow.

jointly, and if any Assessor shall neglect his duties within his district, the other Assessors shall perform them. (*r*)

If Sale found to be invalid after conveyance, amount to be refunded; Interest thereon.

(946.) SEC. 89. If, after the conveyance of any land sold for taxes, the Auditor General shall discover that the sale was invalid, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent. interest; and in all such cases, when the Auditor General, deeming a title invalid, shall have offered to the purchaser his money and interest upon a delivery and cancelment of the deed, and the purchaser shall have refused to receive the money and cancel the deed, such purchaser shall never be entitled to receive any more than the purchase money, and seven per cent. interest thereon, to the day of such offer and refusal. (*s*)

Purchasers not entitled to Interest after Notice.

(947.) SEC. 111. No person who shall refuse to receive back his purchase money and interest, and surrender his deed, shall be entitled to any interest after he shall have been notified by the Auditor General that the sale has been canceled. (*t*)

(*r*) Although the Constitution of 1850 does not provide for the election of Assessors, yet as the provision in the Revised Statutes which permits the Electors of Townships to choose them, is not expressly repealed, this Section is retained.

(*s*) The last clause of this Section seems to be wanting in the corresponding Section in the Law of 1853. See Section 903.

(*t*) Relates to the Refunding of Moneys on the Cancelment of Deeds given on sales of State Tax Lands. See Section 932, and note thereto.

CHAPTER XVIII.

OF SPECIFIC STATE TAXES AND DUTIES.

TAX UPON BANKS.

SECTION

948. Tax on Capital Stock of Banks.
 949. When certain portion of Stock exempted.
 950. When Stock paid in within six months.
 951. Proceedings in case of neglect to pay Tax.

TAX UPON RAILROAD, CANAL, AND TURNPIKE CORPORATIONS.

952. Tax on Capital Stock of Railroad and other Corporations.
 953. Such Tax to be in lieu of all other Taxes.
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 955. Sequestration, injunction, etc.
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BROKERS AND EXCHANGE DEALERS.

957. No person to be Broker, etc., without License.
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SECTION

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SPECIFIC TAXES IN UPPER PENINSULA.

990. One half Taxes received from Mining Companies, to be paid to Counties where received.

From Chapter Twenty-One of Revised Statutes of 1846.

TAX UPON BANKS.

(948.) SECTION 1. Every Bank now incorporated, or hereafter ^{Tax on Capital} to be incorporated, shall pay a yearly tax of one and one half ^{Stock of Banks.} per cent. on the amount of capital stock paid in; one half

thereof on or before the first Monday of April, and the other half on or before the first Monday of October in each year; which tax shall be in lieu of all State, county, township, or other taxes in this State, on the capital stock of said Banks, and of all State tax imposed by the charter of any such Bank heretofore incorporated.

When certain
portion of Stock
exempted.

(949.) SEC. 2. Any portion of the capital stock of any Bank, which shall, in accordance with the provisions of its charter and the laws of this State, have become vested in real, or personal estate, within this State, subject to taxation, and which shall be actually assessed within this State, for ordinary State, county, and other taxes, upon proof thereof to the satisfaction of the State Treasurer and Attorney General, shall be exempt from said tax of one and one half per cent. for the year succeeding said assessment, to the amount of the valuation of such property on the assessment roll.

When Stock paid
in within six
months.

(950.) SEC. 3. If any part of the capital stock of any Bank shall have been paid in within six months next before either of the days specified for the payment of said tax, the tax on such part shall be paid in proportion to the time that shall have elapsed after such part of the capital stock shall have been paid in.

Proceedings in
case of neglect to
pay Tax.

(951.) SEC. 4. If any Bank shall neglect to make such payment, the State Treasurer shall forthwith notify the Attorney General thereof, who shall thereupon immediately institute proceedings against such delinquent Bank, by bill in Chancery, or by an action at law, for the recovery of such tax, with interest and costs, in the same manner, and with the like effect, as is hereinafter provided in cases of delinquent railroad, canal, and turnpike corporations.

TAX UPON RAILROAD, CANAL, AND TURNPIKE CORPORATIONS.

Tax on Capital
Stock of Railroad
and other Corpo-
rations.

(952.) SEC. 5. Every company heretofore incorporated, or hereafter to be incorporated within this State, for the purpose of constructing and using any railroad, canal, or turnpike therein, shall pay a yearly tax to the State of three-fourths of one per cent. on the amount of the capital stock of such company paid in, or secured to be paid, which tax shall be paid into the State Treasury by said corporations respectively, on or before the first Monday of October, in the year one thousand eight hundred and forty-seven, and in each year thereafter.

(953.) SEC. 6. Such tax shall be in lieu of all State, county, township, or other taxes in this State, on the capital stock of said corporations, and on the railroad, canal, or turnpike constructed, or used by any such corporation, and on all the real and personal property in which said capital stock shall be invested, and which shall be used and occupied by any such company, in accordance with the provisions of its charter, and the laws of this State, in the construction or use of such railroad, canal, or turnpike.

(954.) SEC. 7. If any such incorporated company shall neglect or refuse to pay the tax aforesaid, on or before the said first Monday of October, the State Treasurer shall immediately furnish the name of every such company so neglecting or refusing to pay such tax to the Attorney General, with the amount due from each; and the Attorney General shall thereupon file a bill in the Court of Chancery against every such company, for the discovery and sequestration of its property.

(955.) SEC. 8. *The Chancellor*, on the filing of such bill, or on the coming in of the answer thereto, shall order such part of the property of such company to be sequestered, as he shall deem necessary for satisfying the taxes in arrear, with the costs of prosecution; and he may also, at his discretion, enjoin such company, and the officers thereof, from any further proceedings under their act of incorporation, and may order and direct such other proceedings as he may deem necessary to compel the payment of such tax and costs.

(956.) SEC. 9. The Attorney General may also recover such tax, with costs, from such delinquent company, by action in the name of the People of this State, in any Court of competent jurisdiction.

BROKERS AND EXCHANGE DEALERS.

(957.) SEC. 10. No person shall be engaged in the business of a Broker, or of buying or selling current or uncurrent money, or bank notes, or in the exchange thereof, or in the exchange of coins, without first paying into the State Treasury the sum hereinafter mentioned, and obtaining a license from the State Treasurer, to carry on the business of a Broker and exchange dealer, in the manner hereinafter provided, except as provided in the next section.

(958.) SEC. 11. The prohibition in the preceding section contained shall not apply to corporations authorized by law to

Corporations and persons. carry on the business of exchange, and the buying and selling of money, nor to persons engaged in commercial or mercantile operations, as forwarders, dealers in products of the country, grocers, merchants, and millers, or others, whose regular business, other than that of Brokers and exchange dealers, renders the purchase and sale of exchanges, or the purchase or sale of current or uncurrent money, a legitimate part of their said business or occupation.

Proceedings to obtain License. (959.) SEC. 12. Any persons desiring to carry on the business of Brokers and exchange dealers as aforesaid, may, before commencing such business, obtain from the Treasurer of this State a license for each office or concern which they propose to establish; for which purpose they shall file with the said Treasurer a certificate, specifying:

1. The name of every person who is to be connected with such business, and constitute a part of the firm;

2. The actual amount of capital to be invested in the business of the concern, and the precise amount that each partner is to put in;

3. The city or village, township and county wherein said business is intended to be carried on; which said certificate shall be duly verified by the oath of the party applying for the license.

Amount to be paid before License granted. (960.) SEC. 13. The persons applying for such license shall, at the time of filing such certificate, pay to the State Treasurer therefor at the rate of one and one half per cent. on the amount of the capital stock to be used in such business; whereupon the said Treasurer shall grant, under his hand and official seal, to the person or persons applying therefor, a license to carry on the business of Brokers and exchange dealers, with the capital mentioned in the certificate, and at the place therein specified, for a term not exceeding one year from the date thereof; but such license may be renewed annually, from time to time, upon payment therefor at the rate aforesaid; and the proceeds of all such licenses shall be placed to the credit of the general fund.

Violation of Prohibition to be deemed a misdemeanor. (961.) SEC. 14. If any person shall carry on the business of a Broker, or exchange dealer, contrary to the provisions of this chapter, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not less than one hundred, nor more than two thousand dollars, in the discretion of the Court.

(962.) SEC. 15. Every person who shall obtain a license to

carry on the business of a Broker and exchange dealer, as provided in this chapter, before he commences the business, shall make and file with said State Treasurer an affidavit, stating therein that he has not, and will not have any connection, directly or indirectly, with any bank or banks, and that no bank is, or shall be entitled to any share of the profits of such business.

HAWKERS AND PEDLERS.

(963.) SEC. 16. No person shall be authorized to travel from place to place within this State, for the purpose of carrying to sell, or exposing to sale any goods, wares, or merchandise, unless he shall have obtained a license as a Hawker and Pedler, in the manner hereinafter directed.

(964.) SEC. 17. Every person desirous to obtain a license as a Hawker or Pedler, shall apply to the Treasurer of this State, and shall deliver to him a note in writing, signed by such applicant, stating in what manner he intends to travel and trade, whether on foot, or with one or more horses, or other beasts of burthen, or with any sort of carriage.

(965.) SEC. 18. Every such applicant, before he shall be entitled to a license, shall pay into the State Treasury the following duties: if he intend to travel on foot, the sum of ten dollars; if he intend to travel and carry his goods with a single horse, or other beast carrying or drawing a burthen, the sum of twenty-five dollars; and if he intend to travel with any vehicle or carriage drawn by more than one horse, or other animal, the sum of fifty dollars.

(966.) SEC. 19. Upon the presentation of such note in writing, and the payment of the proper duties herein required, the State Treasurer shall grant to such applicant a license under his hand and seal of office, and authorizing such applicant to travel and trade as a Hawker or Pedler, in the manner stated in such note, for the term of one year from the date of the license.

(967.) SEC. 20. Licenses may be granted by the Treasurer for any term less than one year, upon payment of a rateable proportion of the duties hereinbefore prescribed; and every license granted, or to be granted for the purposes aforesaid, shall be renewed annually by the State Treasurer, if such

When Assess-
ments to be col-
lected.

(997.) SEC. 7. Two-thirds of the assessment of highway taxes shall be collected from all the resident inhabitants in each district, before the first day of July, and all the remainder of said assessment in the discretion of the Overseer.

Guide posts.

(998.) SEC. 8. The Commissioners of Highways of each township shall cause guide posts, with proper inscriptions and devices thereon, to be erected and kept in repair at the intersection of all post roads in their township, and at the intersection of such other roads therein as they may deem necessary.

Scrapers and
Ploughs.

(999.) SEC. 9. Any Overseer of Highways may procure a good and sufficient iron or steel shod scraper, and a suitable plough, or either of them, for the use of his road district, to be paid for with moneys arising from commutations, delinquencies, or non-resident highway taxes within such district. (a)

Excess of work
by Overseer, how
paid for.

(1000.) SEC. 10. If any Overseer shall be employed more days in executing the several duties enjoined upon him by this chapter, than he is assessed to work on the Highways, he shall be paid for the excess at the rate of seventy-five cents per day, and be allowed to retain the same out of any moneys that may come into his hands for delinquencies or commutations, under this chapter; but he shall not be allowed to commute for the days he is assessed.

When Commis-
sioners to appoint
Overseer, etc.

(1001.) SEC. 11. If any person chosen to the office of Overseer of Highways shall refuse to serve, or if his office shall become vacant, the Commissioners of Highways shall, by warrant under their hands, appoint some other person in his stead; and the Overseers so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties, as Overseers chosen in township meetings.

Warrant to be
filed, notice to be
given, etc.

(1002.) SEC. 12. The Commissioners of Highways, making such appointment, shall cause such warrant to be filed in the office of the Township Clerk, who shall forthwith give notice thereof to the person appointed, which person shall give written notice of his acceptance to such clerk, within ten days after receiving notice of his appointment.

Penalty for neg-
lect, etc., by
Overseer.

(1003.) SEC. 13. Every Overseer of Highways, who shall refuse or neglect to perform any of the duties required of him by law, or which may be lawfully enjoined on him by the

Commissioners of Highways of his township, and for the omission of which a penalty is not hereinafter provided, shall, for any such neglect or refusal, forfeit the sum of ten dollars.

(1004.) SEC. 14. It shall be the duty of the Commissioners of Highways of each township, whenever any person resident in their township shall make complaint that any Overseer of Highways in such township has refused or neglected to perform any of the duties required of him by law, or shall give, or offer to such Commissioners sufficient security to indemnify them against the costs which may be incurred in prosecuting for the penalty annexed to such refusal or neglect, forthwith to prosecute such Overseer in the name of the People of this State, for the recovery of such penalty. When Commissioners to prosecute for penalty.
If any Overseer of Highways shall neglect or refuse to warn the residents in his district, liable to do work on the highways, When Overseer liable. to do such work as the law requires, and his warrant directs, such Overseer shall be liable to pay for all the work not so done or commuted for, at the rate of sixty-two and a half cents per day; and it shall be the duty of the Commissioners of Highways in each township to prosecute any Overseer who may so neglect, or refuse to do his duty, before any Justice of the Peace, or any other Court of competent jurisdiction, and collect of him what he may be liable to pay under the provisions of this act, unless such Overseer shall show satisfactory cause to such Justice of the Peace, or such Court, why he should not pay the same: *Provided*, That in all cases where judgment shall be recovered against any such Overseer, under the provisions of this section, such Overseer shall not be further liable to an action for the penalty incurred by such neglect or refusal. (b)

An Act to Authorize the Perfecting of the Records of Public Highways, and for other purposes.

[Approved March 28, 1849. Laws of 1849, p. 176.]

(1005.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the clerk of any township where the records of highways, filed and recorded prior to the first day of January, eighteen hundred and forty-seven, may be found defective, may, and he is hereby authorized to transcribe the legal survey bill of every such road, having Defective Highway Records to be transcribed by Township Clerk.

(b) As Amended by Act 69 of 1848. Laws of 1848, p. 71.

liable to the payment of a duty of one and a half per cent. at each and every time they are so exposed for sale.

When chattels
exempt from
Auction Duties.

(979.) SEC. 32. Goods and chattels otherwise liable to auction duties, shall be exempt therefrom, if sold under the following circumstances :

1. If they shall belong to the United States, or to this State ;

2. If they shall be sold in pursuance of any judgment, order, or decree of any Court of law or equity, or under any seizure or distress by any public officer ;

3. If they shall belong to an estate of a deceased person, and be sold by his executors or administrators, or by any other person duly authorized by any Judge of Probate ;

4. If they shall be the effects of a bankrupt or insolvent, and be sold by his assignee, appointed pursuant to law, or by a general assignment for the benefit of the creditors of such bankrupt or insolvent.

Fines, how made
by Auctioneer.

(980.) SEC. 33. All goods, property and effects, liable to the payment of duties, shall, in all cases when sold at auction, be struck off to the highest bidder, and when the Auctioneer, or owner, or any person employed by them, or either of them, shall be such bidder, they shall be subject to the same duties as if struck off to any other person ; but this section shall not be construed to render valid any sale which would otherwise be deemed fraudulent and void.

Duties, how cal-
culated.

(981.) SEC. 34. All duties shall be calculated on the sums for which the goods and property exposed for sale shall be respectively struck off to the purchaser thereof.

Persons acting as
Auctioneer with-
out authority,
guilty of misde-
meanor.

(982.) SEC. 35. If any person shall act as an Auctioneer in the sale of any goods or property liable to the payment of duties under the provisions of this chapter, without first having delivered to the County Treasurer the bond herein required, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars.

An Act Relative to Specific State Taxes on Plank Road, Mining, and other Corporations, not enumerated in the Revised Statutes of Eighteen Hundred and Forty-Six.

[Approved March 14, 1848. Laws of 1848, p. 67.]

(983.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases, when any incorporated company hereafter to be incorporated, is made subject to the payment of a specific State Tax, this State shall have a lien on all of the property of said company, to secure the payment of said tax, which lien shall take precedence of all other liens or incumbrances whatever. State to have lien for Specific Taxes.

(984.) SEC. 2. The payment of any such tax may and shall be enforced according to the provisions of sections seven, eight and nine of chapter twenty-one, of title five of the Revised Statutes of eighteen hundred and forty-six. How Taxes may be enforced.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to Provide for Filing certain Reports in the Auditor General's Office, and for other purposes.

[Approved January 29, 1853. Took effect May 16, 1853. Laws of 1853, p. 21.]

(985.) SECTION 1. *The People of the State of Michigan enact*, That all reports of the amount of capital stock of incorporated bodies paying specific taxes, hereafter received by any State officer, shall be placed on file in the Auditor General's office within one week after their receipt. Reports of Corporations to be filed in Auditor General's office.

(986.) SEC. 2. The Auditor General is authorized and required, upon the receipt of such copies, to estimate and charge upon the books of his office, the amount of specific tax due from the company making such report; and in case any company shall neglect or refuse to pay the tax required by its charter, within twenty days after the same is due, it shall be the duty of the Auditor General to issue his warrant to the Sheriff of the county in which such company is located, commanding him to forthwith levy the same, together with ten per cent. for his fees, by distress and sale of any of the property of said company, wherever the same may be found within his county, and to pay over the same, reserving his fees, to the State Treasury, within ten days after the same is collected. Auditor General to estimate and charge Specific Tax. Proceedings on neglect to pay.

(987.) SEC. 3. The Sheriff shall give public notice of the time and place of sale, and of the property to be sold, at least How Sheriff to collect.

ten days previous to the sale, by advertisement, to be posted up in three public places in the township, city or village where such sale is made, and the sale shall be by public auction.

How Sheriff to collect.

(988.) SEC. 4. If the property so distrained cannot be sold for want of bidders, or if the property of the company is insufficient to pay the tax, the Sheriff shall forthwith return a statement of the same to the Auditor General; and if the company shall still neglect or refuse to pay such tax within thirty days, if the place of business of such company be in the Lower Peninsula, if in the Upper Peninsula, then within sixty days after such return, it shall be deemed a forfeiture of all its chartered privileges.

Proceedings when Corporation fails to Report.

(989.) SEC. 5. In case any corporation fails to make the report contemplated in the first section of this act, it shall be the duty of the Auditor General, and he is hereby required, to ascertain the amount of the specific tax of any such corporation, as appears from their last report, and to issue his warrant as provided in the preceding sections, and for double the amount of such tax.

An Act to Provide for the Payment of Specific Taxes to the Counties in the Upper Peninsula.

[Approved February 12, 1853. Took effect May 16, 1853. Laws of 1853, p. 76.]

Specific Taxes in Upper Peninsula.

(990.) SECTION 1. *The People of the State of Michigan enact,* That one half of the taxes received, or which may be hereafter received into the Treasury of the State, from mining corporations in the Upper Peninsula, paying an annual tax of one per cent., shall be paid to the Treasurers of the counties from which they respectively have been, or hereafter may be received, upon the written order of the County Clerk of the county from which such tax has been, or shall be received, to be used for county and township purposes, as the Board of Supervisors in said counties respectively shall direct, as provided in section seven of article nineteen of the Constitution.

TITLE IX.

OF HIGHWAYS, BRIDGES, FERRIES AND PRIVATE ROADS.

CHAPTER XIX. Of the Officers having the care and Superintendence of Highways and Bridges, and their general powers and duties.

CHAPTER XX. Of persons liable to work on Highways, and making Assessments therefor.

CHAPTER XXI. Of the duties of Overseers in regard to the performance of labor on Highways, and the performance of such labor, or the commutation therefor, and the application of Moneys by the Commissioners.

CHAPTER XXII. Of laying out, altering and discontinuing Public Roads.

CHAPTER XXIII. Of the Obstruction of Highways, encroachments thereon, and penalties.

CHAPTER XXIV. Of the Erection, Repairing and Preservation of Bridges.

CHAPTER XXV. Miscellaneous Provisions of a general nature.

CHAPTER XXVI. Of the Regulation of Ferries.

CHAPTER XXVII. Of Private Roads.

CHAPTER XIX.

OF THE OFFICERS HAVING THE CARE AND SUPER- INTENDENCE OF HIGHWAYS AND BRIDGES, AND THEIR GENERAL POWERS AND DUTIES.

SECTION

991. Commissioners of Highways, their duties.

992. To lay out and discontinue Roads.

993. To render account to Township Board.

994. Statement to be presented at Township Meeting; Moneys may be voted and collected.

995. Duties of Overseers.

996. To remove loose Stones.

997. When Assessments to be collected.

998. Guide Posts.

999. Scrapers and Ploughs.

SECTION

1000. Excess of work by Overseer, how paid for.

1001. When Commissioners to appoint Overseer, etc.

1002. Warrant to be filed; Notice to be given, etc.

1003. Penalty for neglect, etc., by Overseer.

1004. When Commissioners to prosecute for penalty; When Overseer liable.

1005. Highway Records to be transcribed by Township Clerk.

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1006. How Clerk to transcribe the same.
 1007. When transcribed, Commissioners to meet at office of Township Clerk.
 1008. Commissioners to establish, as Highways, such of the Roads as the public interest may require.
 1009. Determination of Commissioners to be recorded.

SECTION

1010. Effect of corrected Record.
 1011. Streets on plats of unincorporated Villages, to be under care of Overseers of Highways.
 1012. State Roads to be in charge of Commissioners of Highways.

N. Y. Rev. Stat.,
 Art. 1, Title 1,
 Chap. 16, Part 1.
 Commissioners of
 Highways, their
 duties.

Chapter Twenty-Two of Revised Statutes of 1846.

(991.) SECTION 1. The Commissioners of Highways in the several townships in this State, shall have the care and superintendence of highways and bridges therein, and it shall be their duty:

1. To give directions for the repairing of roads and bridges within their respective townships;

2. To regulate the roads already laid out, and to alter such of them as they shall deem inconvenient;

3. To cause such of the roads used as highways, as have been laid out, but not sufficiently described, and such as shall have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the Township Clerk's office;

8 Barb. S. C. R.
 646, 2 Hill, 619.
 6 Hill, 403.

4. To cause the highways, and the bridges over streams intersecting highways, to be kept in repair;

5. To divide their respective townships into so many road districts as they shall judge convenient, by writing, under their hands, to be entered of record in the Township Clerk's office; but no such division shall be made within five days next preceding the annual township meeting;

6. To assign to each of said districts such of the inhabitants, liable to work on highways, as shall reside in such district, or own lands therein: and,

7. To require the Overseers of Highways, from time to time, and as often as they shall deem it necessary, to have all persons assessed to work on the highways perform their labor thereon with such teams, carriages, sleds, or implements as said Commissioners, or any of them, shall direct.

To lay out and
 discontinue
 Roads.

(992.) SEC. 2. The Commissioners of Highways shall have power, in the manner and under the restrictions hereinafter provided, to lay out and establish, upon actual survey, such new roads in their respective townships as they may deem necessary; and to discontinue such old roads and highways as shall appear to them to have become unnecessary.

(993.) SEC. 3. The Commissioners of Highways of each township shall render to the Township Board, at the annual meeting of such board in each year, an account in writing: stating,

1. The labor assessed and performed in their township;
2. The sums paid for delinquencies and commutations, and other moneys received by them, and the application thereof;
3. The improvements which have been made on the roads and bridges in their township during the year preceding such report, and the condition of such roads and bridges: and
4. The improvements necessary to be made on the same, and an estimate of the probable expense thereof beyond what the labor to be assessed in that year will accomplish.

(994.) SEC. 4. The Township Board shall cause such statement to be presented at the then next annual township meeting, and such meeting may vote for the raising of such sum, not exceeding two hundred and fifty dollars in any one year, for the improvement of the roads and bridges within the township, as a majority of the electors present shall deem necessary; and the sum so voted shall be levied and collected in the same manner as other township expenses.

(995.) SEC. 5. It shall be the duty of the Overseers of Highways:

1. To repair and keep in order the highways, within the several districts for which they shall have been elected or appointed respectively;
2. To warn all persons assessed to work on the highways in their respective districts to come and work on such highways according to law;
3. To cause the noxious weeds within the limits of the highways in their respective districts to be cut down or destroyed twice in each year, once before the first day of July, and again before the first day of September; and the requisite labor shall be considered highway work: and,
4. To collect all sums due for delinquencies and commutation money, and to execute all lawful orders of the Commissioners of Highways.

(996.) SEC. 6. It shall also be the duty of the Overseers of Highways, once in every month, from the first day of April to the first day of December, to cause all the loose stones lying on the beaten track of every road within their respective districts, to be removed.

When Assess-
ments to be col-
lected.

(997.) SEC. 7. Two-thirds of the assessment of highway taxes shall be collected from all the resident inhabitants in each district, before the first day of July, and all the remainder of said assessment in the discretion of the Overseer.

Guide posts.

(998.) SEC. 8. The Commissioners of Highways of each township shall cause guide posts, with proper inscriptions and devices thereon, to be erected and kept in repair at the intersection of all post roads in their township, and at the intersection of such other roads therein as they may deem necessary.

Scrapers and
Ploughs.

(999.) SEC. 9. Any Overseer of Highways may procure a good and sufficient iron or steel shod scraper, and a suitable plough, or either of them, for the use of his road district, to be paid for with moneys arising from commutations, delinquencies, or non-resident highway taxes within such district. (a)

Excess of work
by Overseer, how
paid for.

(1000.) SEC. 10. If any Overseer shall be employed more days in executing the several duties enjoined upon him by this chapter, than he is assessed to work on the Highways, he shall be paid for the excess at the rate of seventy-five cents per day, and be allowed to retain the same out of any moneys that may come into his hands for delinquencies or commutations, under this chapter; but he shall not be allowed to commute for the days he is assessed.

When Commis-
sioners to appoint
Overseer, etc.

(1001.) SEC. 11. If any person chosen to the office of Overseer of Highways shall refuse to serve, or if his office shall become vacant, the Commissioners of Highways shall, by warrant under their hands, appoint some other person in his stead; and the Overseers so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties, as Overseers chosen in township meetings.

Warrant to be
filed, notice to be
given, etc.

(1002.) SEC. 12. The Commissioners of Highways, making such appointment, shall cause such warrant to be filed in the office of the Township Clerk, who shall forthwith give notice thereof to the person appointed, which person shall give written notice of his acceptance to such clerk, within ten days after receiving notice of his appointment.

Penalty for neg-
lect, etc., by
Overseer.

(1003.) SEC. 13. Every Overseer of Highways, who shall refuse or neglect to perform any of the duties required of him by law, or which may be lawfully enjoined on him by the

Commissioners of Highways of his township, and for the omission of which a penalty is not hereinafter provided, shall, for any such neglect or refusal, forfeit the sum of ten dollars.

(1004.) SEC. 14. It shall be the duty of the Commissioners of Highways of each township, whenever any person resident in their township shall make complaint that any Overseer of Highways in such township has refused or neglected to perform any of the duties required of him by law, or shall give, or offer to such Commissioners sufficient security to indemnify them against the costs which may be incurred in prosecuting for the penalty annexed to such refusal or neglect, forthwith to prosecute such Overseer in the name of the People of this State, for the recovery of such penalty. When Commissioners to prosecute for penalty.
If any Overseer of Highways shall neglect or refuse to warn the residents in his district, liable to do work on the highways, When Overseer liable. to do such work as the law requires, and his warrant directs, such Overseer shall be liable to pay for all the work not so done or commuted for, at the rate of sixty-two and a half cents per day; and it shall be the duty of the Commissioners of Highways in each township to prosecute any Overseer who may so neglect, or refuse to do his duty, before any Justice of the Peace, or any other Court of competent jurisdiction, and collect of him what he may be liable to pay under the provisions of this act, unless such Overseer shall show satisfactory cause to such Justice of the Peace, or such Court, why he should not pay the same: *Provided*, That in all cases where judgment shall be recovered against any such Overseer, under the provisions of this section, such Overseer shall not be further liable to an action for the penalty incurred by such neglect or refusal. (b)

An Act to Authorize the Perfecting of the Records of Public Highways, and for other purposes.

[Approved March 28, 1849. Laws of 1849, p. 176.]

(1005.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the clerk of any township where the records of highways, filed and recorded prior to the first day of January, eighteen hundred and forty-seven, may be found defective, may, and he is hereby authorized to transcribe the legal survey bill of every such road, having Defective Highway Records to be transcribed by Township Clerk.

thereon the signature of the Surveyor who made the survey, and the names of the Highway Commissioners of the township for the time being, or a majority of them.

How Clerk to transcribe the same.

(1006.) SEC. 2. The clerk in transcribing, where characters, initials, signs and figures are used in the survey bills herein required to be transcribed, shall write the same in words at full length, but the names of the Highway Commissioners, where there is no order establishing the survey as a public highway, shall be omitted.

When transcribed, Commissioners to meet at office of Township Clerk.

(1007.) SEC. 3. Where the clerk of any township shall have transcribed the survey bills of his township, according to the provisions of the preceding sections of this act, it shall be his duty to give notice thereof to the Commissioners of Highways of his township, and it shall be the duty of said Commissioners, or a majority of them, within ten days after the receipt of such notice, to meet at the office of such Township Clerk.

Commissioners to establish as Highways such of the Roads as the public interest may require.

(1008.) SEC. 4. When so met, it shall be the duty of said Commissioners, and they are hereby authorized to affix their order and determination, establishing as public highways so many roads as there are survey bills transcribed according to the provisions of this act, or so many thereof as, in their opinion, the public interest may require: *Provided*, That nothing herein shall be construed as authorizing the Commissioners of Highways to establish by their order, or in any manner to affect the record of any road, except such as was surveyed, opened and traveled as late as January first, eighteen hundred and forty-nine.

Determination of Commissioners to be recorded.

(1009.) SEC. 5. The said Commissioners, after having made their order upon the corrected copies of the survey bills, as prescribed in the last preceding section of this act, shall deliver the same to the Township Clerk, whose duty it shall be to cause the same to be filed and recorded, as provided in chapter twenty-five, section one, of the Revised Statutes of eighteen hundred and forty-six.

Effect of corrected Record.

(1010.) SEC. 6. The corrected copy of the survey bill of any township road, filed and recorded in pursuance of the provisions of the last preceding section, shall be denominated the corrected record of highways of said township, and as such, shall be deemed of the same force and effect that they would have had in law had they been made perfect at the time the surveys were taken.

SEC. 7. This act shall be in force from and after its passage.

An Act Relative to the Streets of Recorded, but Unincorporated Village Plats.

[Approved March 6, 1844. Laws of 1844, p. 28.]

(1011.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such Streets of Recorded, but unincorporated Village Plats, as the Commissioners of Highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the Commissioners and Overseers of Highways relative to repairs, and in like manner as other highways are now by law provided for.

Streets on Plats
of unincorporat-
ed Villages, to be
under care of
Overseers of
Highways.

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251.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act Relative to State Roads.

[Approved March 28, 1836. Laws of 1836, p. 102.]

(1012.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all State Roads which are now, or hereafter may be laid out in this State, shall be under the care of the Commissioners of Highways of the several townships through which the same shall pass, and subject to be by them opened and kept in repair, in the same manner as Township Roads may be by them opened and kept in repair.

State Roads to be
in charge of Com-
missioners of
Highways.

CHAPTER XX.

OF PERSONS LIABLE TO WORK ON HIGHWAYS, AND
MAKING ASSESSMENTS THEREFOR.

SECTION

1013. Persons liable to be Assessed.
 1014. When Tax to be Assessed.
 1015. List to be furnished by Overseers.
 1016. Statement and description of Property.
 1017. Assessment how made.
 1018. Clerk to make duplicates.

SECTION

1019. Names of persons omitted.
 1020. Credit to persons working Private Roads.
 1021. Certain Assessments to be made separate.
 1022. When Assessment may be deducted from Rent.

N. Y. Rev. Stat.,
 Art. 2, Title 1,
 Chap. 16, Part 1.

Chapter Twenty-Three of Revised Statutes of 1846.

Persons liable to
 be Assessed.

(1013.) SECTION 1. Every person owning or occupying land in the township in which he resides, and every male inhabitant above the age of twenty-one, and under fifty years, except as hereinafter provided, residing in the township where the assessment is made, shall be assessed to work on the highways in such township; and the lands of non-residents, situated in such township, shall be assessed for highway labor as hereinafter directed.

When Tax to be
 Assessed.

(1014.) SEC. 2. The Commissioners of Highways of the several townships shall meet at the office of the Supervisor, on the second Monday of May in each year, for the purpose of assessing a highway tax, and they shall have free access to the assessment roll until they shall have completed their assessment. (a)

1844, p. 69, Sec.
 2.

List to be furnish-
 ed by Overseers.

(1015.) SEC. 3. Each of the Overseers of Highways shall, within sixteen days after his election, or appointment, deliver

(a) An Act to Amend Chapter Twenty-Three of the Revised Statutes of 1846, relative to Highway Taxes. Approved April 2, 1850. Laws of 1850, p. 296.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* section Two, of Chapter Twenty-Three of the Revised Statutes of eighteen hundred and forty-six, shall not apply to the counties of Chippewa, Marquette, Houghton, Schoolcraft and Ontonagon.

SEC. 2. That the Commissioners of Highways of each of the counties above named, shall meet at the office of the Supervisor on the third Monday of July in each year, for the purpose of Assessing a Highway Tax, and shall have free access to the Assessment Roll until they shall have completed their Assessment.

to the Township Clerk a list subscribed by him, of the names of all the inhabitants in his road district who are liable to work on the highways.

(1016.) SEC. 4. The Commissioners of Highways in each township shall make out from the assessment roll, a separate list and statement of the valuation of all the taxable personal property, and a description of all lots or parcels of land within each road district in such township, inserting in a separate part of such list descriptions of lands owned by non-residents of the township, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

(1017.) SEC. 5. In making the estimate and assessment of highway labor, the Commissioners shall proceed as follows:

1. Every male inhabitant in each road district, being above the age of twenty-one, and under the age of fifty, except paupers, persons of color not possessing taxable property, idiots and lunatics, shall be assessed one day;

2. The residue of the highway labor to be assessed, not exceeding one day's work upon one hundred dollars of the valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each of the road districts in such township, and upon each tract or parcel of land in the respective road districts, of which the owners are non-residents, as the same shall appear by the assessment roll;

3. The Commissioners shall affix to the name of each person named in the lists furnished by the Overseers, and not assessed upon the assessment roll, and also to each valuation of property within the several road districts, the number of days which such person or property shall be assessed for highway labor, adding one day to the assessment of each person liable to a poll tax, and assessed upon the township assessment roll;

(1018.) SEC. 6. The clerk of the Board of Commissioners shall, under their direction, make duplicates of the several lists, which shall be subscribed by the Commissioners, one of which lists for each road district shall be filed by such clerk in his office, and the other shall be forthwith delivered to the Overseer of Highways of the district in which the highway labor therein specified is assessed.

Names of persons
omitted.

(1019.) SEC. 7. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for highway labor, shall be, from time to time, added to the several lists, and rated by the Overseers in proportion to their taxable real and personal property, as others are rated on such lists by the Commissioners, to work on the highways, subject to an appeal to the Commissioners.

Credit to persons
working Private
Roads.

(1020.) SEC. 8. It shall be the duty of the Commissioners of Highways of each township to credit such persons as live on private roads and work the same, so much upon their assessment on account of such work, as such Commissioners may deem necessary to improve and keep such private roads in repair; or they may annex any such private road to some highway district.

Certain Assess-
ments to be made
separate.

(1021.) SEC. 9. Whenever the occupant of any land not owned by him, shall be assessed therefor by the Commissioners, they shall distinguish in their assessment list the amount charged upon such land from the personal tax, if any, of such occupant; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed, during the same year, to work on the highways on account of such land.

When Assess-
ment may be de-
ducted from
Rent.

(1022.) SEC. 10. Whenever any tenant of any land for a less term than twenty-five years, shall be assessed to work on the highways on account of such land, pursuant to the last section, and shall actually perform such work, or commute therefor, he shall be entitled to a deduction from the rent due, or to become due from him for such land, equal to the full amount of such assessment, or he may recover the same of his landlord in an action for money paid for his benefit, estimating the same at so much as is, or shall be prescribed by law for commutation per day for highway labor, unless otherwise provided by agreement between such tenant and his landlord.

CHAPTER XXI.

OF THE DUTIES OF OVERSEERS IN REGARD TO THE
PERFORMANCE OF LABOR ON HIGHWAYS; AND
OF THE PERFORMANCE OF SUCH LABOR, OR
THE COMMUTATION THEREFOR, AND
APPLICATION OF MONEYS BY
THE COMMISSIONERS.

SECTION

- 1023. Notice to persons Assessed.
- 1024. When Agent of non-resident to be notified.
- 1025. Commutation for work, etc.
- 1026. When commutation to be paid.
- 1027. Overseer may require cart, etc.
- 1028. Work by substitute.
- 1029. Forfeiture for idleness, etc.
- 1030. Liability for refusal to work, etc.
- 1031. Overseer, when to make complaint against persons liable for neglect, etc.
- 1032. Proceedings on complaint.
- 1033. Judgment and execution.
- 1034. Proceedings on execution.
- 1035. Moneys collected to be set off against Assessment.

SECTION

- 1036. Excuse, effect of.
- 1037. List of non-resident Lands, etc., to be delivered to Supervisor; Cart, etc., to be furnished.
- 1038. Supervisor to cause delinquent Taxes to be collected, etc.
- 1039. Account to be rendered by Overseer.
- 1040. Overseers to pay over Moneys in their hands, etc.
- 1041. When Township Treasurer to sue for Moneys, etc.
- 1042. Highway Moneys how drawn.
- 1043. Letting of contracts for repairs, etc.
- 1044. Commissioners of Highways may administer certain oaths.

Chapter Twenty-Four of Revised Statutes of 1846.

N. Y. R. S., Art.
3, Title 1, Chap.
16, Part 1.

(1023.) SECTION 1. It shall be the duty of the Overseers of Highways to give at least twenty-four hours' notice to all persons assessed to work on the highways in their respective districts, and residing in their townships, of the time and place when and where they are to appear for that purpose, and with what implements.

(1024.) SEC. 2. It shall be the duty of the several Overseers of Highways to notify the agent of every non-resident owner of lands within their respective districts, if they shall know that any such agent resides within the township, of the number of days assessed upon the lands of such non-resident, and of the time when, and place where the labor is to be per-

formed ; which notice shall be given at least five days previous to the time appointed.

Commutation for work, etc.

(1025.) SEC. 3. Every person liable to work on the highways, shall work the whole number of days for which he shall have been assessed ; but every such person, other than an Overseer, whether resident or non-resident, may elect to commute for the same or any part thereof, at the rate of one dollar for each day, in which case such commutation money shall be paid to the Overseer of Highway of the district in which the labor is required to be performed, and shall be applied and expended by such Overseer in the purchase of implements, or construction and repair of the roads and bridges in the same district, except when said taxes are otherwise appropriated, or disposed of by law. (a)

When Commutation to be paid.

(1026.) SEC. 4. Every person intending to commute as aforesaid, shall within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him, and the commutation shall not be considered as complete until such money be paid.

Overseer may require cart, etc., to be furnished.

(1027.) SEC. 5. Every Overseer of Highways shall have power to require a cart, wagon, plough or scraper, with a yoke of oxen or span of horses, and a man to manage them, to be furnished by any person having the same within his district, who shall have been assessed and shall be liable for three days or more ; and the person furnishing a man and team, with a cart, wagon, plough or scraper, upon such requisition, shall be entitled to a credit of three days for each day's service therewith.

Work by substitute.

(1028.) SEC. 6. Every person assessed to work on the highways, and warned to work thereon, may appear and work in person, or by a substitute ; and the person so appearing shall actually work eight hours in each day.

Forfeiture for idleness, etc.

(1029.) SEC. 7. If any person assessed, or his substitute shall, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for each offence, pay the sum of one dollar.

Liability for refusal to work, etc.

(1030.) SEC. 8. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect without good cause to appear as above provided, shall, for every

(a) As Amended by "An Act to Amend Sections Three and Sixteen of Chapter Twenty-Four, Title Six, of the Revised Statutes of 1846, so as to increase the rate of Commutation for Labor assessed on the Highways." Approved Feb. 3, 1867. Laws of 1867, p. 46.

day's refusal, pay the sum of one dollar ; and if he was lawfully required to furnish a team, carriage, man, or implements, and shall refuse or neglect, without good cause, to comply, he shall pay as follows :

1. For wholly refusing to comply with such requisition, three dollars and fifty cents for each day ;

2. For omitting to furnish a cart, wagon, plough or scraper, one dollar and twenty-five cents for each day ;

3. For omitting to furnish a yoke of oxen or span of horses, one dollar and twenty-five cents for each day ;

4. For omitting to furnish a man to manage the same, one dollar and twenty-five cents for each day.

(1031.) SEC. 9. It shall be the duty of every Overseer of Highways, within six days after any person shall become liable for the payment of any sum of money under the provisions of either of the last three preceding sections, unless a satisfactory excuse be rendered to him by the person so liable, to make complaint in writing and on oath, to some Justice of the Peace of the township, stating the default, neglect, refusal, or other cause, by reason of which such person became so liable.

Overseer, when to make complaint against persons liable for neglect, etc.

(1032.) SEC. 10. The Justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the county, requiring him to summon the person against whom the complaint shall have been made, to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why a judgment should not be rendered against him according to law for the cause mentioned in the complaint ; which summons shall be served personally.

Proceedings on complaint.

(1033.) SEC. 11. On the return of such summons, or within such reasonable time thereafter as the Justice shall allow, if no sufficient cause shall be shown to the contrary, the Justice shall render a judgment in favor of the people of this State against such person for the sum which such person shall have become liable to pay on account of the default, neglect, or other delinquency mentioned in the complaint, with the costs of prosecution ; and shall forthwith issue an execution under his hand, directed to any constable of the county, commanding him to levy the amount of such judgment, including the costs of the proceedings, of the goods and chattels of such defendant.

Judgment and execution.

(1034.) SEC. 12. The constable to whom such execution shall be delivered, shall forthwith proceed to collect the moneys therein mentioned, by distress and sale of the goods and chattels

Proceedings on execution.

of the defendant therein named, giving at least ten days' notice of the time and place of sale; and he shall pay such moneys, when collected, to the Justice who issued the execution, who shall pay the same to the Overseer who entered the complaint, to be by him expended in improving the roads and bridges in his district.

Moneys collected to be set off against Assessment.

(1035.) SEC. 13. Every sum of money collected for a refusal or neglect to appear and work on the highways, shall be set off against the assessment upon which it was founded, estimating every one dollar and twenty-five cents collected, exclusive of the costs of the proceedings, as a satisfaction for one day's work.

Excuse, effect of.

(1036.) SEC. 14. The acceptance by an Overseer of an excuse for a refusal or neglect, shall not in any case exempt the person excused from commuting for, or working the whole number of days for which he shall have been assessed during the year.

List of non-resident Lands, etc., to be delivered to Supervisor.

(1037.) SEC. 15. Every Overseer of Highways shall, on or before the first Monday of October in each year, make out and deliver to the Supervisor of his township, a list of all the lands of non-residents and of persons unknown, which are taxed on his list, upon which the labor assessed has not been paid, and the amount of labor unpaid; and said Overseer shall make and subscribe an affidavit thereon, before some person competent to administer oaths, or before the Supervisor, that the labor assessed upon the lands so returned has not been performed, and remains unpaid.

1844, p. 69, Sec. 4.

Supervisor to cause delinquent Taxes to be collected, etc.

(1038.) SEC. 16. The Supervisor of each township shall cause the amount of such arrearages of labor, estimating the same at one dollar for each day, to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the township are collected; and the same, when collected, shall be paid into the Township Treasury, to be applied by the Commissioners of Highways, in the construction and improvement of roads and bridges in the road district for the benefit of which the labor was originally assessed, except when said taxes are otherwise appropriated, or disposed of by law. (b)

Account to be rendered by Overseer.

(1039.) SEC. 17. Every Overseer of Highways shall, on or before the second Saturday next preceding the time of hold-

ing the annual township meeting, render to the Commissioners of Highways an account in writing, verified by his oath, to be administered by the Township Clerk, or some other person competent to administer such oath, and containing :

1. The names of all persons assessed to work on the highways in his district ;

2. The names of all those who have actually worked on the highways, with the number of days they have so worked ;

3. The names of all those against whom judgments have been recovered by virtue of this chapter, and the sums so recovered ;

4. The names of all those who have commuted, and the amounts paid by them, and the manner in which the moneys arising from judgments and commutations have been expended by him ;

5. A list of all the non-resident lands in his district upon which the labor has been performed or commuted for. (c)

(1040.) SEC. 18. Every such Overseer shall, immediately upon the rendering of such account, pay over to the Township Treasurer all moneys collected by him for judgments and commutations, and remaining unexpended, to be applied by the Commissioners in the construction and improvement of roads and bridges in the road district of the Overseer who paid over the same. Overseers to pay over Moneys in their hands, etc.

(1041.) SEC. 19. If any Overseer shall neglect or refuse to pay over any moneys remaining unexpended in his hands, as required by the preceding section, it shall be the duty of the Township Treasurer forthwith to sue for the same in his name of office, in an action for money had and received to the use of such Treasurer, which moneys, when collected, shall be applied as provided in the preceding section. When Township Treasurer to sue for Moneys, etc.

(1042.) SEC. 20. No money shall be drawn by the Commissioners of Highways from the Township Treasury, in payment of any labor, contract, or materials furnished, except by an order signed by a majority of them, and accompanied by their certificate that the labor has been actually performed, or the contract fulfilled, or materials furnished, for which the amount of such warrant is to apply in payment. Highway Moneys how drawn. 1841, p. 159, Sec. 6.

(1043.) SEC. 21. Whenever the Commissioners of Highways shall determine to appropriate any portion over ten dollars of Letting of contracts for repairs, etc.

(c) See the Act of March 6, 1849, next following.

the moneys accruing to their township on account of non-resident highway taxes, in the repairing or construction of roads or bridges therein, they shall contract at public auction, with the lowest bidder giving good and sufficient security, for the performance thereof; and not less than ten days' notice shall be given by said Commissioners, of the time and place of letting such contracts, by posting up such notice in at least three of the most public places in their township. (d)

1841, p. 159, Sec. 6.

An Act to Amend Chapter Twenty-Four of the Revised Statutes of One Thousand Eight Hundred and Forty-Six.

(Approved March 6, 1849. Laws of 1849, p. 61.)

Commissioners of
Highways may
administer cer-
tain oaths.

(1044.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any Commissioner of Highways be, and is hereby authorized to administer the oath required by section seventeen of chapter twenty-four of the Revised Statutes of one thousand eight hundred and forty-six.

(d) As Amended by Act 206 of 1848, p. 313, Section 2.

CHAPTER XXII.

OF LAYING OUT, ALTERING AND DISCONTINUING
PUBLIC ROADS.

Section

- 1045. Application to have Road laid out, altered or discontinued.
- 1046. Survey of Road and order
- 1047. Copy of order to be posted.
- 1048. Application to Justice of the Peace for appointment of Jury.
- 1049. Justice to appoint time for hearing application of Jury.
- 1050. Manner of appointing Jury.
- 1051. Warrant for summoning Jury.
- 1052. Jurors to be Sworn; Duties of Jury.
- 1053. Compensation of Jurors; Damages, charges, fees and expenses, how collected.
- 1054. Proceedings in case of disagreement between Commissioners of adjoining Townships.
- 1055. Highways how laid on the line between Townships.
- 1056. Application for appointment of Jury upon altering or laying out Road on line between two Townships; Duties of Jury.
- 1057, 1070. Apportionment of Highway to be made or repaired by each Township.
- 1058. Width of Road.
- 1059. Notice of Meeting of Commissioners to discontinue Road.
- 1060. Private Roads how laid out.
- 1061. Damages and expenses of laying out or altering Highway in Cities or Villages; How collected.
- 1062, 1077. Upon altering or laying out Highway; Fences to be removed; Duties of Commissioners upon neglect or refusal to remove Fences; Proviso.
- 1063. How damages estimated when discontinued Highway attached to Land through which new Highway is laid out.

Section

- 1064. What Highways to be deemed Public Roads.
- 1065. Commissioners of Highways may apply to Court of Record for appointment of Commissioners; How application made.
- 1066. Commissioners to be sworn; Proceedings of Commissioners; Compensation of Commissioners; Damages, costs and expenses; How collected.
- 1067. Repeal of contravening Acts.
- 1068. Copy of order discontinuing Road to be posted.
- 1069. Consent of Owners when necessary.
- 1071. Appeal from determination of Commissioners, etc.
- 1072. Appeal from determination of Commissioners of adjoining townships.
- 1073. Appeal how made.
- 1074. Township Boards to give notice.
- 1075. Service of notice.
- 1076. Decision of appeal.
- 1078. When Highway laid out and not opened and worked, shall cease to be a Road.
- 1079. What Roads heretofore laid out to be deemed public Highways.
- 1080. When Highway is discontinued, the same to revert to the owners of adjoining lands.
- 1081. Powers of Board of Supervisors with respect to State Roads.
- 1082. When Commissioners of Highways to cause State Roads to be surveyed and located; Proceedings of Supervisors thereon.
- 1083. Township Clerk to be furnished with minutes.
- 1084. Damages; How appraised and obtained.
- 1085. Counties to be liable for damages and expenses.

1848, p. 99. An Act to Repeal Chapter Twenty-Five of the Revised Statutes of 1846; also, Act Eighty-Eight, entitled, an Act to Amend Chapter Twenty-Five of the Revised Statutes of 1846, relative to Laying Out, Altering and Discontinuing Highways, Approved March Eighteen, 1848; also, Act No. Seventy-Two, entitled, an Act to Amend Chapter Twenty-Five of the Revised Statutes of 1846, Approved March Fifteen, 1848, and to Provide for Altering, Laying Out, and Discontinuing Highways. (a)

1848, p. 74.

[Approved February 17, 1857. *Laws of 1857, p. 413.*]

Application to have Road laid out, altered or discontinued. (1045.) SECTION 1. *The People of the State of Michigan enact,* That whenever any ten freeholders, or more persons in any township liable to be assessed for highway labor, shall wish to have a highway in such township laid out, altered or discontinued, they may, by writing, under their hands, make application to the Commissioners of Highways of the township for that purpose, who shall proceed to lay out, alter, or discontinue such highway as hereinafter directed: *Provided,* That no second application shall be made within twelve months for the same purpose.

3 Mich. Rep. 121. Laws of 1848, p. 99.

Survey of Road and order. (1046.) SEC. 2. Whenever the Commissioners of Highways shall be applied to, as mentioned in the preceding section, to alter, lay out, or discontinue any highway, they shall cause an accurate survey to be made of such road, and shall incorporate such survey in an order to be signed by them, and shall cause such order to be filed in the office of the Township Clerk, who shall note upon the order the time of filing the same.

3 Mich. Rep. 121.

Copy of Order to be posted. (1047.) SEC. 3. It shall be the duty of the Township Clerk, whenever any order of the Commissioners for altering, laying out, or discontinuing any road, shall be received by him, forthwith to post a copy of such order on the outer door of the house or building where the township meeting is usually held, or if there be no such building, then in three public places in the township.

Application to Justice of the Peace for Appointment of Jury. (1048.) SEC. 4. The Commissioners, or one of them, shall, within five days after recording the survey order, as provided in the preceding section, make application to a Justice of the Peace of the same, or an adjoining township, for the appointment of a jury of twelve freeholders of the county, to ascertain the necessity of altering or laying out such road, and to appraise

(a) For prior Statutes on the same subject, see Code of 1820, p. 102; Revision of 1827, p. 388; Revision of 1833, p. 102; Laws of 1837, p. 98; Revised Statutes of 1838, p. 120; Laws of 1839, p. 217; Revised Statutes of 1846, p. 133; Laws of 1848, p. 49, 99; 1850, p. 67.

the damage thereon, which application shall be in writing, and describe the premises through which it is proposed to alter or lay out such highway.

(1049.) SEC. 5. Upon the receipt of such application, the Justice shall appoint a time and place for that purpose, and shall issue a citation or notice stating a time and place of meeting, which shall be served by the Highway Commissioners, on the owners or occupants of lands through which it is proposed to alter or lay out said road, at least ten days before such time, and in case any such land is unoccupied, the notice may be served by posting up the same in three public places in the township, ten days before the time of meeting.

Justice to appoint time for hearing application for Jury.

(1050.) SEC. 6. If the Commissioners, or any one of them, and the owners or occupants of such lands, or such as may be present, cannot agree upon any other mode of appointing such jurors, they shall be appointed in the following manner: The Justice may make a list of twenty-four disinterested freeholders residing in the county, and each party may object to six on the list, and if either party fails to appear, or refuse to act, the Justice and the other party, or the Justice alone, may strike out the names of twelve, and the remaining twelve shall be the jurors elected, and the same Justice shall continue the hearing of the application for not less than fifteen, and not more than twenty days to a time and place certain.

Manner of appointing Jury.

(1051.) SEC. 7. The Justice shall then annex to the application a warrant under his hand, returnable on said adjourned day, and issue the same, directed to any constable in the county, commanding him to summon the said jurors to be and appear at his office on the said adjourned day, to serve as jurors, to ascertain the necessity of taking certain property for highway purposes, and to appraise the damages thereon, and if all the jurors shall not appear, the Justice may summon talesmen to make a full jury.

Warrant for summoning Jury.

(1052.) SEC. 8. The jurors shall be sworn to ascertain the necessity of altering or laying out the highway described in the application, and to appraise the damage thereon, if any is claimed. They shall then proceed to view the premises described, and shall, within five days thereafter, make return to the said Justice, in writing, to be signed by them, of their doings, which shall state the necessity of altering or laying out such road, the amount of damages appraised, to whom payable, if known, and a statement of the time spent by them

Jurors to be sworn.

Duties of Jury

for that purpose, which return shall be certified by such Justice, and filed in the office of the Township Clerk.

Compensation of Jurors.

(1053.) SEC. 9. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the Justice and constable one dollar each for their fees, and the damages which shall be assessed by the jury as hereinbefore provided, upon altering or laying out any highway, and all the lawful charges against the township for services, fees and expenses consequent upon laying out or altering such highway, shall be levied and collected in the township within which such highway is situated, and shall be paid upon the order of the Township Board, as other township charges, except as hereinafter provided.

Damages, charges, fees and expenses; how collected.

Proceedings in case of disagreement between Commissioners of adjoining Townships.

(1054.) SEC. 10. Whenever the Commissioners of Highways in one township shall disagree with the Commissioners of an adjoining township, whether in the same or another county, in any matter relating to a highway on the line between the two townships, the Commissioners of both townships, or a majority of them, shall meet at the request of the Commissioners of either township, and make their determination upon such subject of disagreement.

Highways laid on the line between Townships.

(1055.) SEC. 11. Whenever it shall become necessary to have a highway altered or laid out upon the line between two townships, application for that purpose may be made to the Commissioners of either township, who shall proceed to lay out or alter such road in the manner hereinbefore provided; but they shall cause the survey order to be filed in the office of the Township Clerk of each township; and the said Township Clerks are required to post up a copy of the same in their respective townships, as required by section three of this act.

Application for Appointment of Jury upon altering or laying out road on line between two Townships.

(1056.) SEC. 12. Upon altering or laying out a road on the line between two townships, application may be made to a Justice of the Peace of either township, for the appointment of jurors, who shall be drawn equally from each township, and shall appraise the amount of damage to be paid by each township, and the return of their doings shall be certified by the Justice, and filed in the office of the Township Clerks of each township.

Duties of Jury.

Apportionment of Highway to be made or repaired by each Township.

(1057.) SEC. 13. The Commissioners of Highways of such adjoining townships, upon altering or laying out a highway upon the line thereof, shall determine what part of such highway shall be made and repaired by each township, and

each township shall have all the rights, and be subject to all the liabilities in relation to the part of such highway to be made and repaired by such township, as if the same was located wholly in such township.

(1058.) SEC. 14. Public roads to be laid out according to the Width of Roads, provisions of this act, shall not be less than three rods wide, except in cities and villages where the Commissioners or other proper authorities may otherwise determine.

(1059.) SEC. 15. Whenever Commissioners of Highways are applied to, as provided in section one of this act, to discontinue a road, they shall give at least ten days' notice, in writing, to the owners or occupants of land through which such road runs, of the time when, and place where they will meet for that purpose; and in case such land, or any part is unoccupied, such notice may be given by posting up the same in three public places in the township. In case the Commissioners shall deem it advisable to discontinue such road, they shall make and sign an order to that effect, and cause the same to be filed in the office of the Township Clerk, from and after the time of filing which, such road shall cease to be a public highway.

(1060.) SEC. 16. Any person or persons wishing to have a Private Roads; how laid out. private road opened, shall cause an accurate survey to be made thereof, and filed in the office of the Township Clerk; application may then be made to a Justice of the Peace, as in case of public highway, for the appointment of jurors, who shall be appointed in the same manner, and all the subsequent proceedings shall be the same as in laying out public highways, except that the applicant or applicants shall act in the place of Highway Commissioners, and the amount of damages appraised in consequence of the opening thereof, together with the expenses of all proceedings, shall be paid by the person or persons to be benefited thereby, before said road shall be opened or used. (b)

(1061.) SEC. 17. Whenever a highway is altered or laid out in a city or village, and the damages therefor appraised, and the doings of the jury filed in the office of the Township Clerk, as is required in section eight of this act, it shall be the duty of the Township Clerk to certify a copy of the same to the Supervisor of the township, who shall proceed to assess the amount thereof upon the taxable property of the town- Damages and expenses of laying out or altering Highway in Cities or Villages; how collected.

(b) See Chapter 27 and Note (a) thereto.

ship, and shall, on his warrant to the Township Treasurer, direct him to pay the amount so appraised to the order of the person or persons to whom the same is made payable in the return of the jury.

Upon altering or laying out Highway; Fences to be removed.

(1062.) SEC. 18. Whenever a public highway shall have been altered or laid out according to the provisions of this act, the Commissioners of Highways shall give the owners or occupants of the land through which said road shall have been laid out or altered, notice thereof, in writing, requiring him or or them to remove his or their fence or fences within such time as they shall deem reasonable, not less than sixty days after giving such notice, and in case such owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said Commissioners shall have full power and authority, and it shall be their duty to enter with such aid and assistance as shall be deemed necessary upon the premises, and remove such fence or fences, and open such highway without delay, after the time specified in such notice shall have expired: *Provided*, no person shall be required to remove his fence or fences between the first day of April and the first day of November.

Duties of Commissioners upon neglect or refusal to remove fences.

How damages estimated when discontinued Highway attached to land through which new Highway is laid out.

(1063.) SEC. 19. If any discontinued highway shall be attached to a tract of land through which a new highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owners; and in estimating the damages which may be sustained by any person owning or interested in said lands, by reason of laying out or altering any highway, the benefit which such person shall receive thereby shall be taken into consideration.

What Highways to be deemed public Roads.

(1064.) SEC. 20. That all highways heretofore regularly laid out and established, in pursuance of existing laws or statutes heretofore passed by the Legislature, and approved by the Governor, are hereby declared to be legal highways.

Commissioners of Highways may apply to Court of Record for Appointment of Commissioners.

(1065.) SEC. 21. The Commissioners of Highways, or one of them, may, instead of making application for the appointment of jurors, as is provided in section four of this act, make application to any Court of Record for the appointment of three Commissioners, whose duty it shall be to ascertain the necessity of altering or laying out said road, and to appraise the damages thereon, if any is claimed; the application shall be in writing, and describe the premises proposed to be taken for such highway purposes, and notice thereof shall be given at least five days previous to making such application to the

How application made.

owners or occupants of the lands described in the application, and such notice may be served by the Highway Commissioners in the same manner as provided in section five of this act.

(1066.) SEC. 22. The Commissioners so appointed shall be sworn to ascertain the necessity for altering or laying out the road described in the application, and justly and impartially to appraise the damages thereon, if any is claimed. They shall then proceed to view the premises, and shall, within five days thereafter, make return of their doings, in writing, signed by them, to the Township or Village Clerk, or Recorder, which returns shall state if such road is altered or laid out, the necessity therefor, the amount of the damages appraised thereon, to whom payable, if known; and shall be filed in the office of the Township or Village Clerk, or Recorder. The said Commissioners shall be entitled to the same compensation as jurors are entitled to under the provisions of this act. The damages appraised by said Commissioners, together with all the costs of the proceeding, shall be levied, collected and paid in the manner prescribed by this act.

Commissioners to be sworn.

Proceedings of Commissioners.

Compensation of Commissioners.

Damages, costs and expenses; how collected.

(1067.) SEC. 23. All acts, or parts of acts, contravening the provisions of this act, are hereby repealed.

Repeal of Contravening Acts.

This act shall take effect immediately.

From Chapter Twenty-Five of Revised Statutes of 1846. (c)

(1068.) SEC. 2. It shall be the duty of the Township Clerk, whenever any order of the Commissioners for *laying out, altering or discontinuing* any road shall be received by him, forthwith to post a copy of such order on the outer door of the house or building where the township meeting is usually held, or if there be no such house or building, then in one of the most public places in the township; and the time hereinafter limited for appealing from any such order, shall be

Copy of Order discontinuing Road to be posted

(c) Although the title to the preceding Act implies an intention on the part of the Legislature to repeal the whole of this Chapter, yet, as the terms of the Act itself repeal only "contravening" enactments, and some portions of this Chapter are neither re-enacted by that Act, nor contravene its provisions, they are here retained, in the belief that there is at least a well grounded doubt with respect to their repeal.

As to how much of this Chapter should be retained as *perhaps* still in force, the Compiler and the Commissioners found themselves unable to agree, and all the Sections are retained, the whole or any portion of which are not, in the opinion of all three, clearly re-enacted or repealed. It is not supposed that the provisions of Chapter Twenty-Five of the Revised Statutes relative to *appeals* from orders of the Commissioners, are now in force, unless as respects orders relating to the *discontinuance* of highways.

computed from the time of posting up the same, after notice given as provided in the fifth section.

Consent of
Owner, when
necessary.

(1069.) SEC. 3. No public or private road shall be laid out through any orchard or garden without the consent of the owner thereof, if such orchard have been set out four years or more, or if such garden have been cultivated as such four years or more; nor shall any such road be laid out through any buildings, or any fixtures or erections for the purposes of trade or manufactures, or any yards or enclosures necessary to the use and enjoyment thereof, without the consent of the owner.

Highways laid on
the lines between
Townships.

See Sec. 1057.

(1070.) SEC. 17. All highways heretofore laid out upon the line between any two townships, shall be divided, allotted, recorded, and kept in repair, in the manner above directed.

Appeal from de-
termination of
Commissioners,
etc.

(1071.) SEC. 19. Any person who shall conceive himself aggrieved by any determination of the Commissioners of Highways of any township, either in *laying out, altering or* discontinuing, or in refusing to *lay out, alter or* discontinue any road, may, within twenty days after such determination, appeal to the Township Board of such township; but an appeal by one person shall not conclude nor affect the rights of any other person who shall appeal within the time limited; and the said Township Board shall suspend all proceedings upon appeals received by them from any such determination, until the time limited for such appeals shall have expired, to the end that their decision, when made, may embrace the whole subject.

Appeal from de-
termination of
Commissioners of
adjoining Town-
ships.

(1072.) SEC. 20. In case of an appeal from the determination of Commissioners of Highways of adjoining townships in the same county, or in different counties, relating to a road upon the line of such township, such appeal may be made to the Township Boards of the said adjoining townships, who shall act jointly in deciding upon the determination of the said Commissioners: *Provided*, That any Commissioner who may be a member of the Township Board shall not act on such appeal.

Appeal, how
made.

(1073.) SEC. 21. Every appeal from a determination of Commissioners of Highways shall be in writing, addressed to the Township Board, or Boards, as the case may be, and signed by the party appealing, and shall briefly state the ground upon which it is made, and whether it is brought to reverse entirely the determination of the Commissioners, or only to reverse a part thereof; and in the latter case it shall specify what part.

(1074.) SEC. 22. It shall be the duty of the Township Board, ^{Township Boards to give notice.} or Boards, to whom the appeal is made, as soon as may be after the time limited for taking appeals shall have expired, to give notice to the appellant, and to one or more of the Commissioners from whose determination the appeal was taken, of the time when they will proceed to view the premises, and to hear the appeal.

(1075.) SEC. 23. Every such notice shall be served at least ^{Service of notice.} eight days before the time mentioned therein, by delivering a copy of the same to the appellant, and to one of such Commissioners, or by leaving a copy thereof at the dwelling house of such appellant and Commissioner.

(1076.) SEC. 24. The said Township Board, or Boards, shall ^{Decision of appeal.} proceed at the time specified in the notice, to view the premises, and to hear the proofs and allegations of the parties; and they may issue process to compel the attendance of witnesses, and may adjourn from time [to time,] as may be necessary, and their decision shall be conclusive in the premises; and every such decision shall be reduced to writing, be signed by the Township Board, or Boards, making the same, and filed by them in the office of the clerk of the proper township, who shall record the same, and give notice thereof to the Commissioners of Highways; but nothing herein contained shall be construed to prevent a new application under the provisions of this chapter.

(1077.) SEC. 27. Whenever a public highway shall have ^{Notice to Owner, etc., of improved lands to remove fences.} been laid out and established, or altered, through any enclosed, or improved lands, and the ascertained damages for such highway shall have been paid or tendered to the owner or occupant, or an order on the Treasurer of the proper township for the amount of such damages, shall have been executed ^{See Sec. 1062.} and delivered, or tendered to such owner or occupant, by said Commissioners; said Commissioners of Highways shall then give the owner or occupant of the land through which said road shall have been laid out or altered, notice thereof, and require him to remove his fence, or fences, within such time as they shall deem reasonable, not less than sixty days after giving such notice, and in case such owner or occupant shall neglect or refuse to remove his fence, or fences, within the time specified in such notice, the said Commissioners shall have full power and authority, and it shall be their duty, to enter with such aid and assistance as shall be necessary, upon the premises, and remove such fence, or fences, and open such

highway without delay, after the time specified in such notice shall have expired: *Provided*, No person shall be required to remove his fence, or fences, between the first day of April and the first day of November. (d)

When Highway laid out and not opened and worked, shall cease to be a Road.

(1078.) SEC. 28. Every public highway already laid out, no part of which shall have been opened and worked within four years from the time of its being so laid out, and every such highway hereafter to be laid out, no part of which shall be opened and worked within the like period, shall cease to be a road for any purpose whatever.

What Roads heretofore laid out to be deemed public Highways.

(1079.) SEC. 29. All public highways now in use, heretofore laid out and allowed by any law of this State, or of the late Territory of Michigan, of which a record shall have been made in the office of the clerk of the county or township; and all roads not recorded, which have been used as public highways twenty years, or more, and all roads not recorded, which shall hereafter be used ten years or more, shall be deemed public highways, but may be altered or discontinued according to the provisions of this chapter.

When Highway is discontinued, the same to revert to the Owners of adjoining Lands.

(1080.) SEC. 30. When any highway shall be discontinued, the same shall belong to the owner, or owners, of the adjoining lands; if it shall be located between the lands of two or more different owners, it shall be annexed to the lots to which it originally belonged, if that can be ascertained; if not, it shall be equally divided between the owners of the lands on each side.

An Act to Provide for Laying Out and Establishing all State and Territorial Roads heretofore Laid Out, or to be hereafter Located within this State. (d)

[Approved May 16, 1846. Took effect June 15, 1846. Laws of 1846, p. 240.]

Powers of Board of Supervisors with respect to State Roads.

(1081.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Supervisors of the several counties within this State are hereby authorized and empowered to cause to be laid out, established, altered, discontinued, or opened all State and Territorial Roads heretofore, or now laid out, or hereafter to be laid through or within their respective counties, whenever they may deem it for the interest of the public.

(d) As Amended by Act 72 of 1848, p. 74.

(d) For general provisions respecting Territorial Roads, see Revision of 1827, p. 402; Laws of 1830, p. 7; Revision of 1833, p. 173, 174; Laws of 1834, p. 91, 92.

(1082.) SEC. 2. Whenever the Board of Supervisors of any county are petitioned to by at least twelve freeholders of each of the townships through which any such road or roads may pass, they shall, upon such petition, authorize the Commissioners of Highways of such townships to cause the line of said road or roads within their respective townships to be surveyed and located therein, and such Commissioners shall report such survey and location to the Board of Supervisors of their county, and upon examination of said survey and report, said board may declare such road or roads duly laid out, established, discontinued, opened or altered, as the case may be: *Provided*, That said board shall deem the laying out, establishing, altering, discontinuing, or opening said road or roads for the interest of the public.

(1083.) SEC. 3. Whenever said road or roads shall be surveyed, laid out, altered, or established, under the provisions of this act, it shall be the duty of the Board of Supervisors to whom such petition and report may have been made as aforesaid, to notify and require the Commissioners of Highways of the several townships through which said road or roads may pass, to furnish the several Township Clerks of such townships the minutes of all surveys within their respective townships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

(1084.) SEC. 4. Any person feeling himself aggrieved by the laying out, altering, discontinuing, or opening of any road or roads, may have his damages appraised, and obtain the same in the same manner and under the restrictions made and provided relative to township roads.

(1085.) SEC. 5. In laying out, discontinuing, establishing, altering, or opening any road, under the provisions of this act, the counties through which said road or roads may pass, shall be liable for all damages or expenses incurred, in the same manner as is provided for laying out township roads.

CHAPTER XXIII.

OF THE OBSTRUCTION OF HIGHWAYS, ENCROACHMENTS THEREON, AND PENALTIES.

SECTION

1086. Penalty for obstructing Highways, etc.
 1087. Encroachments on Highways.
 1088. Forfeiture for not removing Encroachments.
 1089, 1090, 1091, 1092. Proceedings in case Encroachment be denied.

SECTION

1093. If no Encroachment found, damages to be paid by Complainant.
 1094. When Fence may not be removed.
 1095. Penalty on occupant of Lands for not removing fallen Trees, etc.
 1096. Liability for falling Trees into Highway.
 1097. Penalty for obstructing Rivers, etc.

Chapter Twenty-Six of Revised Statutes of 1846.

Penalty for Obstructing Highways, etc.

(1086.) SECTION. 1. Whoever shall willfully obstruct any highway or navigable river, or fill up, or place any obstruction in any ditch, constructed for draining the water from any highway, shall forfeit for every such offence a sum not exceeding twenty-five dollars.

Encroachments on Highways.

(1087.) SEC. 2. In every case where a highway shall have been laid out and opened, and the same has been, or shall be encroached upon by fences, the Commissioners of Highways shall make an order under their hands, requiring the occupant of the land through, or by which such highway runs, and of which such fences form a part of the enclosure, to remove such fences beyond the limits of such highway within sixty days, and they shall cause a copy of such order to be served upon such occupant; and every such order shall specify the width of the road, the extent of the encroachment, and the place or places in which the same shall be, with reasonable certainty.

Forfeiture for not removing Encroachments.

(1088.) SEC. 3. If such encroachment shall not be removed within sixty days after service of a copy of such order, such occupant shall forfeit the sum of fifty cents for every day after the expiration of that time, during which such fence shall continue unremoved.

(1089.) SEC. 4. If the occupant upon whom a copy of such order shall be served, shall deny such encroachment, the Commissioners, or some one of them, shall apply to some Justice of the Peace of the county for a precept, which shall be issued by such Justice, directed to any constable of the county, commanding him to summon six disinterested freeholders thereof, to meet at a certain day and place, and not less than four days after the issuing thereof, to inquire into the premises; and the constable to whom such precept shall be directed shall give at least three days' notice to one of the Commissioners of Highways of the township, and to the occupant of the land, of the time and place at which such freeholders are to meet.

Proceedings in
case. Encroachment
be denied.

(1090.) SEC. 5. On the day specified in the precept, the jury ^{Ibid.} so summoned shall be sworn by such Justice, well and truly to inquire whether any such encroachment has been made as described in the order of the Commissioners, and by whom; and the witnesses produced by either party shall be sworn by the Justice, and the jury shall hear the proofs and allegations which may be produced and submitted to them; and in case any person so summoned as a juror shall not appear, or shall be incompetent, his place may be supplied by a talesman as in other cases.

(1091.) SEC. 6. If the jury find that any such encroachment ^{Ibid.} has been made by the occupant of the land, or any former occupant thereof, they shall make and subscribe a certificate in writing of the particulars of such encroachment, and by whom made, which shall be filed in the office of the Township Clerk; and the occupant of the land, whether such encroachment shall have been made by him, or by any former occupant, shall remove his fences within thirty days after the filing of such certificate, under the penalty of fifty cents for each day after the expiration of that time, during which such fences shall remain unremoved.

(1092.) SEC. 7. If the jury find that any such encroachment ^{Ibid.} has been made as aforesaid, the occupant shall pay the costs of such inquiry, and if the same shall not be paid in ten days, the Justice shall issue a warrant for the collection thereof, directed to any constable of the county, commanding him to levy such costs, and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such Justice within thirty days from its date; and the Justice, constables, jurors, and witnesses, shall be entitled to the same compensation as

for other similar services in proceedings before Justices of the Peace.

If no Encroachment found, damages to be paid by Complainant.

1093.) SEC. 8. If the jury find that no encroachment has been made, they shall so certify, and shall also ascertain and certify the damages which the then occupant shall have sustained by such proceeding; which damages, together with the costs of the proceedings, shall be paid by the complainant.

When Fence may not be removed.

(1094.) SEC. 9. No person shall be required to move any fence under the above provisions, except between the first day of November and the first day of April, unless the same shall have been made within three months next before the making of the order for the removal thereof.

Penalty on Occupant of Land for not removing fallen Trees, etc.

(1095.) SEC. 10. If any tree shall fall, or be fallen by any person from any occupied land, into any highway, any person may give notice to the occupant of the land from which such tree shall have fallen to remove the same in two days; and if such tree shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of fifty cents for every day thereafter, until such tree shall be removed.

Liability for falling Trees into Highway.

(1096.) SEC. 11. In case any person shall cut down or fall any tree on enclosed land not occupied by him, so that it shall fall into any highway, unless by the order or consent of the occupant, such person shall pay to the occupant of such land the sum of one dollar for every day the same shall remain in such highway, together with all other damages which such occupant may sustain, to be recovered as damages in an action of trespass, or on the case.

Penalty for Obstructing Rivers, etc.

(1097.) SEC. 12. Whoever shall obstruct the navigation of any river or stream, which now is, or may hereafter be declared a public highway, by falling any tree therein, or by putting into any river or stream so declared a public highway, any refuse lumber, slabs, or other waste materials, on conviction thereof, shall forfeit the sum of five dollars for any such offence.

CHAPTER XXIV.

OF THE ERECTION, REPAIRING, AND PRESERVATION OF BRIDGES.

SECTION

1098. When Moneys may be raised for Building Bridges.

1099. Limitation of amount.

1100. Commissioners of Highways or Common Council may put up and maintain Notice on Bridges.

1101. Forfeiture for fast driving over Bridges.

1102. Penalty for injuring Bridge.

1103. Repairs, etc., of Bridges.

1104. Payment for Labor for the same.

SECTION

1105. Moneys how raised therefor.

1106. Owners and Occupiers of Mills, etc., to maintain Bridges over their Races.

1107. Duty of Highway Commissioners in case of neglect.

1108. Expense a legal charge against Owner or Occupier.

1109. Declaration in suit to recover expense; Defence.

Chapter Twenty-Seven of Revised Statutes of 1846.

(1098.) SECTION 1. Whenever it shall appear to the Board of Supervisors of any county that any one of the townships in such county would be unreasonably burthened, by erecting or repairing any necessary bridge or bridges in such township, such Board of Supervisors may cause such sum of money to be raised and levied upon the county as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part of such expenses as they may deem proper; and such moneys, when collected, shall be paid to the Township Treasurer of the township in which the same are to be expended, and be applied by the Commissioners of Highways of such township to the purpose for which the same was raised.

When Moneys
may be raised for
Building Bridges.

(1099.) SEC. 2. No Board of Supervisors shall, under the provisions of the preceding section, cause any sum exceeding one thousand dollars to be raised and levied in any county in any one year.

Limitation of
amount.

(1100.) SEC. 3. The Commissioners of Highways of any township, or Common Council of any city, or organized com-

Commissioners of
Highways or
Common Council

may put up and
maintain Notice
on Bridges.

pany or the Village Council of any village, may put up and maintain at the expense of their township, city, or company, or village, as the case may be, in conspicuous places, at each end of any bridge in such township, city or village, maintained at the public or company charge, and the length of whose chord is not less than twenty-five feet, a notice, with the following words in large characters: "One dollar fine for riding or driving over this bridge faster than a walk," and in case any such bridge shall be over one hundred feet in length, or shall have a draw or turn table therein for the purpose of opening the same, then such notice may be, "Five dollars fine for riding or driving on this bridge faster than a walk." (a)

Forfeiture for fast
driving over
Bridge.

(1101.) SEC. 4. Whoever shall ride or drive faster than a walk on any bridge upon which such notice shall have been placed, and shall there be, shall forfeit for every such offence, the sum mentioned in such notice, and the same may be collected in the name of such Highway Commissioners, city, company, or village authorities, as the case may be, or by criminal prosecution. (b)

Penalty for injur-
ing Bridge.

(1102.) SEC. 5. Whoever shall injure any bridge maintained at the public charge, shall, for every such offence, forfeit treble damages.

Repairs, etc., of
Bridges.

(1103.) SEC. 6. If any bridge over a stream intersected by a highway, in any township of this State, has been within the last year, or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the Highway Commissioners of such township to proceed with all convenient despatch to repair or reconstruct such bridge, as the case may require, under the personal supervision of one of their number, or by letting a contract therefor under existing provisions of law: *Provided*, That application for such repairs or reconstruction shall first be made to such Commissioners in writing, signed by at least twelve freeholders of the township, and verified by the oath of such applicants, that the public interest requires such repairs or reconstruction: *And Provided*, That the sum to be expended for such repairs or reconstruction shall not in any one year exceed two hundred dollars in any one organized township. (c)

(a) (b) As amended by "An Act to Amend Sections Three and Four of Chapter Twenty-Seven of the Revised Statutes of Eighteen Hundred and Forty-Six, entitled, "Of the Erection, Repairing and Preservation of Bridges," Approved Jan. 29, 1857. Laws of 1857, p. 29.

(c) These three Sections were added to this Chapter by Act 137, of 1848, p. 171.

(1104.) SEC. 7. In payment for the labor performed, materials furnished, and necessary expenses incurred, for the purpose Payment for Labor for the same. in the last preceding section specified, the said Highway Commissioners are hereby authorized to draw and issue their orders upon the Township Treasurer, redeemable out of the proceeds of the tax to be levied and collected therefor in the manner provided by the following section. (c)

(1105.) SEC. 8. For the purposes of levying and collecting Moneys how raised therefor. such tax, the said Highway Commissioners shall furnish the Township Clerk with the amount of all the orders drawn by them for the objects aforesaid, on or before the first Monday of October thereafter; and the said Township Clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the Supervisor, under the provisions of existing law. (c)

An Act to Oblige the Owners or Occupiers of Mills, or other Water Works, to keep Bridges over their Races crossing Public Highways.

[Approved February 13, 1855. Laws of 1855, p. 347.]

(1106.) SECTION 1. *The People of the State of Michigan enact,* Owners and Occupiers of Mills and other Water Works to maintain Bridges over their races. That it shall be the duty of all owners, occupiers, or possessors of Mills or other Water Works, where any race or races appertaining to the same may cross a public highway, to keep a good and sufficient bridge or bridges, not less than fourteen feet in width, with a substantial railing on each side thereof, over the same, except where said Mills have been erected and the races dug previous to the formation of said highway.

(1107.) SEC. 2. In all cases where the owner or owners, Duty of Highway Commissioners in case of neglect. occupiers, or possessors of any such Mill or Mills, or other Water Works, shall refuse or neglect to make such bridge or bridges, or shall refuse or neglect to keep the same in good repair, it shall be the duty of the Commissioners of Highways of the township in which such highway may be, to proceed forthwith to erect or repair such bridge or bridges, at the expense of the person or persons whose duty it was to have erected or repaired such bridges.

(1108.) SEC. 3. The expenses so made or incurred by said Expense a legal charge against Owners, etc. Commissioners of Highways, in erecting or repairing such bridge, or bridges, shall be a legal charge against the owner or

owners, occupiers or possessors of such Mill or Mills, or other Water Works, and it shall be the duty of the said Commissioners of Highways to prosecute the person or persons so chargeable, on an action of assumpsit, for the expenses so made or incurred, and to cause the damages recovered in such prosecution to be applied towards the payment of said expenses.

Declaration in
suit to recover
Expenses.

(1109.) SEC. 4. Whenever an action of assumpsit shall be brought, under the provisions of this act, for the recovery of expenses made or incurred in erecting or repairing any such bridge or bridges, it shall be sufficient, without setting forth the special matter, to allege in the declaration that the defendant, being indebted to the plaintiff in the amount of such expenses, according to the provisions of this act, referring to the same by its title and date of approval, undertook and promised to pay the same to the plaintiff; and to every such declaration, the defendant may plead the general issue, and may give in evidence, under such plea, any special matter in bar of the action, or in discharge of the defendant, in the same manner and with like effect, as if a special notice thereof had been given.

Defence.

This act shall take effect immediately.

CHAPTER XXV.

MISCELLANEOUS PROVISIONS OF A GENERAL NATURE.

SECTION	SECTION
1110. When Trees, etc., to be for use of Owners of Land.	1113. Liability for injuring Highway; Overseer to Prosecute.
1111. Trees may be set out along Highway, etc.	1114. When Commissioners to Prosecute.
1112. Person removing Milestone, etc., guilty of misdemeanor.	1115. Provisions of this Title to extend to all parts of State, except, etc.

Chapter Twenty-Eight of Revised Statutes of 1846.

(1110.) SECTION 1. All trees standing or lying on any land over which any highway shall be laid out, shall be for the proper use of the owner of such land, or person otherwise entitled thereto, except such of them as may be requisite to make or repair the highways or bridges on the same land, or within one mile of the same; but no trees reserved for shade or ornament, shall be used for such purposes.

When Trees, etc.,
to be for use of
owner of Land.

(1111.) SEC. 2. Any person owning or occupying land adjoining any highway not less than three rods wide, may plant or set out trees on each side of said highway contiguous to his land; which trees shall be set in regular rows, at a distance of at least six feet from each other, and within ten feet of the margin of the highway; and if any person shall cut down, destroy or injure any tree that may have been, or shall be so planted or set out, or which shall have been left on the side of such highway for shade, he shall be liable in treble damages to the owner or occupant of such adjoining land, in an action of trespass, or on the case.

Trees may be set
out along High-
way, etc.

(1112.) SEC. 3. Whoever shall wilfully destroy, remove, injure or deface any milestone, or mile board, erected on any highway; or shall wilfully injure or deface any inscription or device upon any guide post or guide board on any highway, or remove, destroy or injure any such guide post or guide

Person removing
Milestone, etc.,
guilty of misde-
meanor.

board, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned in the county jail not exceeding three months, in the discretion of the Court.

Liability for in-
juring Highway;
Overseer to
Prosecute.

(1113.) SEC. 4. Whoever shall injure any highway, by obstructing or diverting any creek, water course or sluice, or by drawing logs or timber on the surface of any road or bridge, or by any other act, shall be liable in treble damages, to be recovered in an action of trespass, or on the case, by the Overseer of Highways of the road district within which the injury was done, in his name of office, to be expended by him in the repair of roads in his district.

When Commis-
sioners to Prose-
cute.

(1114.) SEC. 5. But if any such injury shall be done, within any road district, by the Overseer of Highways of such district, or with his assent, or if any Overseer of Highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the Commissioners of Highways of the town within which such district is situated to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such prosecution to be expended in the repair of roads in the district within which such injury shall have been done. (a)

Provisions of this
Title to extend to
all parts of State,
except, etc.

(1115.) SEC. 5. The provisions of this chapter and of the preceding chapters, relating to highways and bridges, shall be construed to extend to all parts of the State, except where special provisions inconsistent therewith have been, or shall be, made by law in relation to particular townships, counties, cities or villages.

(a) Added by Sec. 21 of Act 206 of 1848. Laws of 1848, p. 315.

CHAPTER XXVI.

OF THE REGULATION OF FERRIES.

SECTION

1116. License for keeping Ferries.

1117. Rates of Ferriage how regulated.

1118, 1119. When License not to be granted except to Owner of Land.

1120. Bond to be given.

1121. Entry of License by Clerk, etc.

1122. When Waters divide two Counties, License may be obtained in either.

SECTION

1123. Persons violating Bond guilty of misdemeanor, etc.

1124. Persons using Ferry without License, guilty of misdemeanor.

1125. When person may be Prosecuted in either of two Counties.

1126. Limitation of provisions of this Chapter.

Chapter Twenty-Nine of Revised Statutes of 1846.

(1116.) SECTION 1. The Board of Supervisors of each of the counties of this State may grant licenses for keeping ferries in their respective counties, to as many suitable persons as they may think proper; which licenses shall continue in force for a time to be specified therein by said board, not exceeding three years.

(1117.) SEC. 2. The said board, when they shall grant any license to keep a ferry, shall order and direct the rates of ferriage which the person licensed may receive, and may, from time to time thereafter, during the continuance of such license, alter such rates; and they may also direct what and how many hours each day such person shall attend his ferry.

(1118.) SEC. 3. No such license shall be granted to any person other than the owner of the land through which the highway adjoining the ferry shall run, unless such owner shall consent thereto, or shall neglect to apply for such license, after notice as hereinafter provided.

(1119.) SEC. 4. Whenever application shall be made by any person other than such owner, the board shall not grant a license to such applicant without the consent, in writing, of

board, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned in the county jail not exceeding three months, in the discretion of the Court.

Liability for in-
juring Highway;
Overseer to
Prosecute.

(1113.) SEC. 4. Whoever shall injure any highway, by obstructing or diverting any creek, water course or sluice, or by drawing logs or timber on the surface of any road or bridge, or by any other act, shall be liable in treble damages, to be recovered in an action of trespass, or on the case, by the Overseer of Highways of the road district within which the injury was done, in his name of office, to be expended by him in the repair of roads in his district.

When Commis-
sioners to Prose-
cute.

(1114.) SEC. 5. But if any such injury shall be done, within any road district, by the Overseer of Highways of such district, or with his assent, or if any Overseer of Highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the Commissioners of Highways of the town within which such district is situated to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such prosecution to be expended in the repair of roads in the district within which such injury shall have been done. (a)

Provisions of this
Title to extend to
all parts of State,
except, etc.

(1115.) SEC. 5. The provisions of this chapter and of the preceding chapters, relating to highways and bridges, shall be construed to extend to all parts of the State, except where special provisions inconsistent therewith have been, or shall be, made by law in relation to particular townships, counties, cities or villages.

(a) Added by Sec. 21 of Act 206 of 1848. Laws of 1848, p. 315.

CHAPTER XXVI.

OF THE REGULATION OF FERRIES.

SECTION

1116. License for keeping Ferries.
 1117. Rates of Ferriage how regulated.
 1118, 1119. When License not to be granted except to Owner of Land.
 1120. Bond to be given.
 1121. Entry of License by Clerk, etc.
 1122. When Waters divide two Counties, License may be obtained in either.

SECTION

1123. Persons violating Bond guilty of misdemeanor, etc.
 1124. Persons using Ferry without License, guilty of misdemeanor.
 1125. When person may be Prosecuted in either of two Counties.
 1126. Limitation of provisions of this Chapter.

Chapter Twenty-Nine of Revised Statutes of 1846.

(1116.) SECTION 1. The Board of Supervisors of each of the counties of this State may grant licenses for keeping ferries in their respective counties, to as many suitable persons as they may think proper; which licenses shall continue in force for a time to be specified therein by said board, not exceeding three years.

License for keeping Ferries.

(1117.) SEC. 2. The said board, when they shall grant any license to keep a ferry, shall order and direct the rates of ferriage which the person licensed may receive, and may, from time to time thereafter, during the continuance of such license, alter such rates; and they may also direct what and how many hours each day such person shall attend his ferry.

Rates of Ferriage how regulated.

(1118.) SEC. 3. No such license shall be granted to any person other than the owner of the land through which the highway adjoining the ferry shall run, unless such owner shall consent thereto, or shall neglect to apply for such license, after notice as hereinafter provided.

When License not to be granted except to Owner of Land.

(1119.) SEC. 4. Whenever application shall be made by any person other than such owner, the board shall not grant a license to such applicant without the consent, in writing, of

Ibid.

such owner, unless proof shall be made that such applicant caused notice to be given, in writing, to such owner, at least eight days before such application made, of his intention to make the same.

Bond to be given.

(1120.) SEC. 5. Every person applying for such license shall, before the same be granted, give bond to the People of this State, in such penal sum as the said board shall direct, not less than two hundred dollars, with so many, and such sufficient sureties as the said board shall direct and approve, upon condition that he will faithfully keep and attend such ferry, with such and so many safe and convenient boats, and so many men to work the same, together with sufficient implements therefor, during the several hours in each day, and at such several rates as the said board shall, from time to time, order and direct; which bond shall be filed with the County Clerk.

Entry of License by Clerk, etc.

(1121.) SEC. 6. Every such license shall be entered by the County Clerk in a suitable book in his office; and a copy of such license, attested by such clerk, shall be delivered to the person licensed.

When waters divide two Counties, License may be obtained in either.

(1122.) SEC. 7. Whenever the waters over which any ferry may be used shall divide two counties, a license obtained in either of the counties shall be sufficient to authorize the person obtaining the same to transport persons, goods, wares, merchandise and effects, to and from either side of said waters.

Persons violating Bond guilty of misdemeanor, etc.

(1123.) SEC. 8. Every person who shall violate such bond shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to such fine as the Court may adjudge, not exceeding twenty-five dollars for each offence, and unless such fine, and the costs of prosecution shall be paid within ten days after such fine shall have been imposed, the Prosecuting Attorney for the county shall prosecute such bond for the use of the State.

Persons using Ferry without License, guilty of misdemeanor.

(1124.) SEC. 9. If any person shall use any ferry for transporting across any river, stream, or lake, persons, goods, chattels or effects, for profit or hire, unless authorized in the manner directed in this chapter, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to such fine as the Court may adjudge, not exceeding twenty dollars for each offence.

When person may be prosecuted in either of two Counties.

(1125.) SEC. 10. When any offence mentioned in either of the two last preceding sections shall be committed on waters

dividing two counties, the person so offending may be prosecuted in either of such counties.

(1126.) SEC. 11. Nothing contained in this chapter shall affect or impair any right or privilege belonging to any individual, or corporation, by virtue of any law of this State. ^{Limitation of provisions of this Chapter.}

CHAPTER XXVII.

OF PRIVATE ROADS.

SECTION

1127. Application for Private Road; Jury how selected and cited.

1128. Jury to be sworn.

1129. Duty of Jury; How Road to be laid out.

SECTION

1130. Applicant to pay damages and expenses; When paid, Road to be opened.

1131. Road to be for use of applicant; When Owner of Land may use Road.

An Act to Provide for Laying out Private Roads. (a)

[Approved February 7, 1855. Took effect May 16, 1855. Laws of 1855, p. 36.]

(1127.) SECTION 1. *The People of the State of Michigan enact,* ^{Application for Private Road.} That whenever application shall be made to the Commissioners of Highways of any township for a private road, they shall give notice to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, for the purpose of aiding in the striking of a jury to determine as to the necessity or propriety of such road; at which time and place the jury shall be selected, in the following manner, to wit: said Commissioners of Highways shall direct some disinterested person to write down the names of eighteen disinterested freeholders, from which list the owner or occupant of said land, and the applicant for said road, shall strike out three names each, and the balance remaining on ^{Jury how selected and cited.}

(a) Section Sixteen of the Act of Feb. 17, 1857 (given in Chapter XXII), would seem to be intended as a substitute for the first four Sections of this Act; but *quere* if it can have that effect, or be of any validity whatever, where it now stands. See Sec. 20, Art. 4, of Constitution.

such list shall form said jury. In case either said owner or occupant, or said applicant, shall refuse to strike, said Commissioners shall strike for the party so neglecting or refusing. Said Commissioners shall issue a citation to said freeholders to appear before them forthwith, to determine as to the necessity or propriety of such road, and the damages resulting therefrom, in case such road shall be deemed necessary by them.

Jury to be sworn. (1128.) SEC. 2. Such freeholders, when met, shall be sworn well and truly to examine in regard to the necessity and propriety of such road, and in case they shall decide that such road is necessary, to justly and impartially appraise the damages of the owner or owners, or occupant of the land, by reason of laying out such road.

Duty of Jury. (1129.) SEC. 3. If they shall determine that the road so applied for is necessary, they shall make and subscribe a certificate of such determination, and also their appraisal of the damages, and shall deposit the same with the Commissioners of Highways of the township; and the said Commissioners of Highways shall thereupon lay out the road, describing the same particularly by its bounds, courses, and distances, and cause a record thereof to be made in the Clerk's office of the proper townships.

How Road shall be laid out. (1130.) SEC. 4. The damages of the owner or owners, or occupant of the land through which such road shall be laid, when ascertained, as hereinbefore provided, together with expenses of proceedings, shall be paid by the person applying for the road, and when such damages and expenses are paid, the Commissioners of Highways of the township shall proceed to open the road.

Applicant to pay damages and expenses. (1131.) SEC. 5. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided, always,* That the owner or occupant of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of making use of the same to the jury who ascertain the damages sustained by laying out such road, before the appraisal of the damages by them.

When paid, Road to be opened.

Road to be for use of Applicant.

When Owner of Land may use Road.

TITLE X.

CHAPTER XXVIII.

OF THE RECORDING OF TOWN PLATS, AND THE VACATING OF THE SAME.

SECTION

1132. Plat to be recorded; Penalty for neglect.
 1133. Contents of Map, when recorded to vest certain rights in County.
 1134. Recording Maps that do not comply with original Articles of Sale.
 1135. Circuit Court may alter or vacate Town Plat.
 1136. Notice of application to Court for that purpose.
 1137. When application to be granted.
 1138. Record of Court to be recorded by County Register.
 1139. Forfeitures how to be recovered.

SECTION

1140. Register to record Plats filed, but not acknowledged; Effect.
 1141. Person interested may appear and oppose application to alter or vacate Plat; Judgment.
 1142 to 1144. Act relative to Record of Town Plats amended.
 1145. Certain Records legalized.
 1146. Plats, when valid; Effect of recorded Plat not acknowledged; Proviso.
 1147. Plat to be evidence against parties; Proviso.

An Act to Provide for the Recording of Town Plats, and for Vacating the same in certain cases. (a)

[Approved April 19, 1839. Took effect May 19, 1839. Laws of 1839, p. 162.]

(1132.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That whenever any* ^{Plat to be Re-}
lands shall be hereafter laid out within this State as a town or ^{corded.}

(a) For prior Laws on this subject, see the Act of March 12, 1821 (Code of 1820, p. 394), and the Act of March 12, 1827 (Revision of 1827, p. 278).

village, or as an addition to any town, village or city, the proprietors of such lands shall cause a true map or plat thereof to be recorded in the office of the Register of Deeds of the county where the same lies, before any lot or lots therein be offered for sale; and if any person or persons shall sell any lot or lots laid out as aforesaid, before the same be recorded as aforesaid, such person or persons shall forfeit and pay the sum of fifty dollars for every lot so sold; and that in all cases wherein any lands have been heretofore laid out as a town or village, or as additions to any town, village or city, and the proprietor or proprietors thereof have sold any lot or lots therein, and shall, after the term of nine months from the passage of this act, neglect or refuse to have the same duly acknowledged and recorded according to the provisions of the act to which this is amendatory, such person or persons shall forfeit and pay a sum not less than fifty dollars, nor exceeding two hundred dollars, in the discretion of the Court, for each and every year of such neglect or refusal. (b)

Penalty for neglect.

Contents of Map ;
when Recorded
to vest certain
rights in County.

11 Ill. Rep. 554.
13 do 60.
1 Blackford 43.
7 Ind. Rep. 9.

(1133.) SEC. 2. That such maps or plats as are by this act required to be recorded, shall particularly set forth and describe all the public grounds within such town, by its boundaries, courses and extent, and whether it be intended for streets, alleys, commons, or other public uses, and all the lots intended for sale, by progressive numbers, and their precise length and width; and the maps made and acknowledged before a Justice of the Peace, a Notary Public of the proper county where the town lies, or before any Judge of any Court of Record, and certified under the hand and seal of the Judge, Justice or Notary Public taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance, to vest the fee of such parcels of land as therein expressed, named or intended to be for public uses, in the county in which such town lies, in trust to, and for the uses and purposes therein named, expressed or intended, and for no other use or purpose whatever.

Recording Maps
that do not comply
with original
articles of Sale.

(1134.) SEC. 3. That if any proprietor or proprietors, their agent or attorney, shall cause any map of a town to be recorded as aforesaid, which does not set forth and describe in manner aforesaid, all and every parcel of ground which has been, or shall be promised or set apart by the original articles of sale

for public uses and other lots, such person or persons shall forfeit and pay double the value of the ground so promised and not set forth on the map, three-fourth parts thereof to the use of the county where such town lies, for the express purpose of purchasing ground within, and for the use of such town, in lieu of that which was so promised, and the other fourth part to the use of the person prosecuting.

(1135.) SEC. 4. That the Circuit Courts in and for the several counties are hereby authorized and empowered, on application made by the proprietor or proprietors of any town within their proper county, to alter or vacate the same, or any part thereof.

Circuit Court may alter or vacate Town Plat.

(1136.) SEC. 5. That if any proprietor or proprietors of a town shall be desirous of altering or vacating the same, or any part thereof, such proprietor or proprietors shall give notice in writing of such intended application, in at least two places in the county wherein such town may be situated, one to be set up in the most public place in said town, and one on the Court House door of the said county, and insert a copy of the same in a newspaper, printed or in circulation in said county, at least sixty days prior to the sitting of the Court to which he, she, or they, intend to make such application.

Notice of application to Court for that purpose.

(1137.) SEC. 6. That if such applicant or applicants shall produce to said Court satisfactory evidence that the notice required by the preceding section of this act has been given, and that all persons, owning any lot or part thereof in said town, have agreed that the whole or a part thereof shall be altered or vacated, or that there is no reasonable objection to making such alteration, the Court shall proceed to alter or vacate said town or any part thereof, and order their proceedings therein to be recorded by their clerk, with the record of said Court: *Provided*, That the vacating of any town plat, or any part of a town plat, shall not vacate any part of a State or county road.

When application to be granted.

(1138.) SEC. 7. That the clerk of said Court shall give to the applicant a certified copy of such record, for which he shall be entitled to receive the sum of one dollar; and it shall be the duty of such applicant to have such certificate recorded by the Register of the county, within six months thereafter.

Record of Court to be recorded by County Register.

(1139.) SEC. 8. That the several forfeitures arising under this act may be recovered in an action for debt, by any person who shall sue for the same, before any Court having cognizance of the same; and in any action to be brought for any

Forfeitures how to be recovered.

penalty incurred under this act, where judgment shall be given for the plaintiff, the Court shall award to him his legal costs of suit, and if, in any case, the body of a proprietor cannot be found, the property of such proprietor shall be liable to be attached as for any other demand, and where any forfeitures are not, by this act, otherwise appropriated, they shall be paid over to the plaintiff prosecuting for the same; and in case no individual prosecutes for the same, it shall be the duty of the Prosecuting Attorneys of the respective counties, in all cases of the failure of the proprietor or proprietors of any lands laid out as aforesaid, to comply with the provisions of this act, to prosecute such proprietors on behalf of their respective counties, for the penalties herein prescribed. (c)

Register to Record Plats filed, but not acknowledged.

(1140.) SEC. 9. That in all cases where plats of any town, or village, or additions to any town, or village, are now filed in the Register's office of the respective counties, and such plats have been so filed by the proprietor, or proprietors, their agent, or Attorney, and the same have not been duly acknowledged and recorded, as provided by the act to which this is amendatory, it shall be the duty of the Register of Deeds of the county in which the lands so laid out are situated, to record the same as provided in said act, and when so recorded, the said plat shall be as valid and effectual for the purposes of the assessment, collection and return of taxes, and of the sale of said lands which may be delinquent in the payment thereof, as though the same had been duly acknowledged and recorded according to the provisions of the act to which this is amendatory, and the said Registers shall receive for the services rendered under the provisions of this act, such sums as the Boards of Supervisors of their respective counties shall deem reasonable, to be paid from the Treasury of the county. (d)

Effect.

Person interested may appear and oppose application.

(1141.) SEC. 9. When application is made to alter or vacate any Town or Village Plat, as aforesaid, any person or persons interested may appear in person or by attorney, and oppose the same, by having his or their appearance entered upon the records of said Court for that purpose; and in case the proprietor succeed in his application, then judgment shall be rendered in his favor, and costs against the person or persons opposing the same; but in case the proprietor does not suc-

Judgment.

(c) As Amended by Act 118, of 1848. Laws of 1848, p. 141.

(d) Added by Act 118, of 1848, which took effect May 26, 1848; and Amended by Act 5, of 1849. Laws of 1849, p. 4.

ceed in his application, judgment shall be rendered in favor of the person or persons opposing the same, for costs, and shall be taxed and execution issued therefor as in other cases. (e)

An Act to Amend an Act entitled, "An Act to Amend an Act to Provide for the Recording of Town Plats, and for Vacating the same in certain cases; approved April 19, Eighteen Hundred and Thirty-Nine."

[Approved Jan. 17, 1849. Laws of 1849, p. 4.]

(1142.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act approved March 27th, eighteen hundred and forty-eight, being "An Act to Amend an Act to provide for the Recording of Town Plats, and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine," be and the same is hereby amended as follows:

(1143.) SEC. 2. Amend section one by inserting the words, *ibid.* "of deeds," after the word "Register," in the tenth line.

(1144.) SEC. 3. Strike out of the seventh line in section *three* *ibid.* (f) the words, "County Register," and insert in the place thereof the words, "Register of Deeds of the County."

(1145.) SEC. 4. All Town Plats recorded since the passage of the act hereby amended, shall be deemed as valid and effectual in law, as if the same had been recorded, under the provisions of said act, as hereby amended.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act Relative to Town Plats.

(Approved March 20, 1850. Laws of 1850, p. 72.)

(1146.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases in which the proprietor or proprietors of any piece of land shall heretofore have caused the same to be laid out and platted as a town or village, and shall have caused such plat to be recorded in the office of the Register of Deeds of the county in which such land is situated, without having acknowledged the same according to the statute in such case made and provided, and

(e) Added by Act 210 of 1850, approved and in force from April 1, 1850. Laws of 1850, p. 212.

(f) Section 9 as above given.

board, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned in the county jail not exceeding three months, in the discretion of the Court.

Liability for in-
juring Highway;
Overseer to
Prosecute.

(1113.) SEC. 4. Whoever shall injure any highway, by obstructing or diverting any creek, water course or sluice, or by drawing logs or timber on the surface of any road or bridge, or by any other act, shall be liable in treble damages, to be recovered in an action of trespass, or on the case, by the Overseer of Highways of the road district within which the injury was done, in his name of office, to be expended by him in the repair of roads in his district.

When Commis-
sioners to Prose-
cute.

(1114.) SEC. 5. But if any such injury shall be done, within any road district, by the Overseer of Highways of such district, or with his assent, or if any Overseer of Highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the Commissioners of Highways of the town within which such district is situated to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such prosecution to be expended in the repair of roads in the district within which such injury shall have been done. (a)

Provisions of this
Title to extend to
all parts of State,
except, etc.

(1115.) SEC. 5. The provisions of this chapter and of the preceding chapters, relating to highways and bridges, shall be construed to extend to all parts of the State, except where special provisions inconsistent therewith have been, or shall be, made by law in relation to particular townships, counties, cities or villages.

(a) Added by Sec. 21 of Act 206 of 1848. Laws of 1848, p. 315.

CHAPTER XXVI.

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Chapter Twenty-Nine of Revised Statutes of 1846.

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(1117.) SEC. 2. The said board, when they shall grant any license to keep a ferry, shall order and direct the rates of ferriage which the person licensed may receive, and may, from time to time thereafter, during the continuance of such license, alter such rates; and they may also direct what and how many hours each day such person shall attend his ferry.

(1118.) SEC. 3. No such license shall be granted to any person other than the owner of the land through which the highway adjoining the ferry shall run, unless such owner shall consent thereto, or shall neglect to apply for such license, after notice as hereinafter provided.

(1119.) SEC. 4. Whenever application shall be made by any person other than such owner, the board shall not grant a license to such applicant without the consent, in writing, of

such owner, unless proof shall be made that such applicant caused notice to be given, in writing, to such owner, at least eight days before such application made, of his intention to make the same.

Bond to be given.

(1120.) SEC. 5. Every person applying for such license shall, before the same be granted, give bond to the People of this State, in such penal sum as the said board shall direct, not less than two hundred dollars, with so many, and such sufficient sureties as the said board shall direct and approve, upon condition that he will faithfully keep and attend such ferry, with such and so many safe and convenient boats, and so many men to work the same, together with sufficient implements therefor, during the several hours in each day, and at such several rates as the said board shall, from time to time, order and direct; which bond shall be filed with the County Clerk.

Entry of License by Clerk, etc.

(1121.) SEC. 6. Every such license shall be entered by the County Clerk in a suitable book in his office; and a copy of such license, attested by such clerk, shall be delivered to the person licensed.

When waters divide two Counties, License may be obtained in either.

(1122.) SEC. 7. Whenever the waters over which any ferry may be used shall divide two counties, a license obtained in either of the counties shall be sufficient to authorize the person obtaining the same to transport persons, goods, wares, merchandise and effects, to and from either side of said waters.

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Persons using Ferry without License, guilty of misdemeanor.

(1124.) SEC. 9. If any person shall use any ferry for transporting across any river, stream, or lake, persons, goods, chattels or effects, for profit or hire, unless authorized in the manner directed in this chapter, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to such fine as the Court may adjudge, not exceeding twenty dollars for each offence.

When person may be prosecuted in either of two Counties.

(1125.) SEC. 10. When any offence mentioned in either of the two last preceding sections shall be committed on waters

dividing two counties, the person so offending may be prosecuted in either of such counties.

(1126.) SEC. 11. Nothing contained in this chapter shall ^{Limitation of provisions of this Chapter.} affect or impair any right or privilege belonging to any individual, or corporation, by virtue of any law of this State.

CHAPTER XXVII.

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(a) Section Sixteen of the Act of Feb. 17, 1857 (given in Chapter XXII), would seem to be intended as a substitute for the first four Sections of this Act; but *quere* if it can have that effect, or be of any validity whatever, where it now stands. See Sec. 20, Art. 4, of Constitution.

such list shall form said jury. In case either said owner or occupant, or said applicant, shall refuse to strike, said Commissioners shall strike for the party so neglecting or refusing. Said Commissioners shall issue a citation to said freeholders to appear before them forthwith, to determine as to the necessity or propriety of such road, and the damages resulting therefrom, in case such road shall be deemed necessary by them.

Jury to be sworn. (1128.) SEC. 2. Such freeholders, when met, shall be sworn well and truly to examine in regard to the necessity and propriety of such road, and in case they shall decide that such road is necessary, to justly and impartially appraise the damages of the owner or owners, or occupant of the land, by reason of laying out such road.

Duty of Jury. (1129.) SEC. 3. If they shall determine that the road so applied for is necessary, they shall make and subscribe a certificate of such determination, and also their appraisal of the damages, and shall deposit the same with the Commissioners of Highways of the township; and the said Commissioners of Highways shall thereupon lay out the road, describing the same particularly by its bounds, courses, and distances, and cause a record thereof to be made in the Clerk's office of the proper townships.

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When paid, Road to be opened.

Road to be for use of Applicant. (1131.) SEC. 5. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided, always,* That the owner or occupant of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of making use of the same to the jury who ascertain the damages sustained by laying out such road, before the appraisal of the damages by them.

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(a) For prior Laws on this subject, see the Act of March 12, 1821 (Code of 1820, p. 394), and the Act of March 12, 1827 (Revision of 1827, p. 278).

Penalty for neglect.

village, or as an addition to any town, village or city, the proprietors of such lands shall cause a true map or plat thereof to be recorded in the office of the Register of Deeds of the county where the same lies, before any lot or lots therein be offered for sale; and if any person or persons shall sell any lot or lots laid out as aforesaid, before the same be recorded as aforesaid, such person or persons shall forfeit and pay the sum of fifty dollars for every lot so sold; and that in all cases wherein any lands have been heretofore laid out as a town or village, or as additions to any town, village or city, and the proprietor or proprietors thereof have sold any lot or lots therein, and shall, after the term of nine months from the passage of this act, neglect or refuse to have the same duly acknowledged and recorded according to the provisions of the act to which this is amendatory, such person or persons shall forfeit and pay a sum not less than fifty dollars, nor exceeding two hundred dollars, in the discretion of the Court, for each and every year of such neglect or refusal. (b)

Contents of Map; when Recorded to vest certain rights in County.

(1133.) SEC. 2. That such maps or plats as are by this act required to be recorded, shall particularly set forth and describe all the public grounds within such town, by its boundaries, courses and extent, and whether it be intended for streets, alleys, commons, or other public uses, and all the lots intended for sale, by progressive numbers, and their precise length and width; and the maps made and acknowledged before a Justice of the Peace, a Notary Public of the proper county where the town lies, or before any Judge of any Court of Record, and certified under the hand and seal of the Judge, Justice or Notary Public taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance, to vest the fee of such parcels of land as therein expressed, named or intended to be for public uses, in the county in which such town lies, in trust to, and for the uses and purposes therein named, expressed or intended; and for no other use or purpose whatever.

11 Ill. Rep. 554.
13 do 50.
1 Blackford 43.
7 Ind. Rep. 9.

Recording Maps that do not comply with original articles of Sale.

(1134.) SEC. 3. That if any proprietor or proprietors, their agent or attorney, shall cause any map of a town to be recorded as aforesaid, which does not set forth and describe in manner aforesaid, all and every parcel of ground which has been, or shall be promised or set apart by the original articles of sale

for public uses and other lots, such person or persons shall forfeit and pay double the value of the ground so promised and not set forth on the map, three-fourth parts thereof to the use of the county where such town lies, for the express purpose of purchasing ground within, and for the use of such town, in lieu of that which was so promised, and the other fourth part to the use of the person prosecuting.

(1135.) SEC. 4. That the Circuit Courts in and for the several counties are hereby authorized and empowered, on application made by the proprietor or proprietors of any town within their proper county, to alter or vacate the same, or any part thereof.

Circuit Court may alter or vacate Town Plat.

(1136.) SEC. 5. That if any proprietor or proprietors of a town shall be desirous of altering or vacating the same, or any part thereof, such proprietor or proprietors shall give notice in writing of such intended application, in at least two places in the county wherein such town may be situated, one to be set up in the most public place in said town, and one on the Court House door of the said county, and insert a copy of the same in a newspaper, printed or in circulation in said county, at least sixty days prior to the sitting of the Court to which he, she, or they, intend to make such application.

Notice of application to Court for that purpose.

(1137.) SEC. 6. That if such applicant or applicants shall produce to said Court satisfactory evidence that the notice required by the preceding section of this act has been given, and that all persons, owning any lot or part thereof in said town, have agreed that the whole or a part thereof shall be altered or vacated, or that there is no reasonable objection to making such alteration, the Court shall proceed to alter or vacate said town or any part thereof, and order their proceedings therein to be recorded by their clerk, with the record of said Court: *Provided*, That the vacating of any town plat, or any part of a town plat, shall not vacate any part of a State or county road.

When application to be granted.

(1138.) SEC. 7. That the clerk of said Court shall give to the applicant a certified copy of such record, for which he shall be entitled to receive the sum of one dollar; and it shall be the duty of such applicant to have such certificate recorded by the Register of the county, within six months thereafter.

Record of Court to be recorded by County Register.

(1139.) SEC. 8. That the several forfeitures arising under this act may be recovered in an action for debt, by any person who shall sue for the same, before any Court having cognizance of the same; and in any action to be brought for any

Forfeitures how to be recovered.

penalty incurred under this act, where judgment shall be given for the plaintiff, the Court shall award to him his legal costs of suit, and if, in any case, the body of a proprietor cannot be found, the property of such proprietor shall be liable to be attached as for any other demand, and where any forfeitures are not, by this act, otherwise appropriated, they shall be paid over to the plaintiff prosecuting for the same; and in case no individual prosecutes for the same, it shall be the duty of the Prosecuting Attorneys of the respective counties, in all cases of the failure of the proprietor or proprietors of any lands laid out as aforesaid, to comply with the provisions of this act, to prosecute such proprietors on behalf of their respective counties, for the penalties herein prescribed. (c)

Register to Record Plats filed, but not acknowledged.

(1140.) SEC. 9. That in all cases where plats of any town, or village, or additions to any town, or village, are now filed in the Register's office of the respective counties, and such plats have been so filed by the proprietor, or proprietors, their agent, or Attorney, and the same have not been duly acknowledged and recorded, as provided by the act to which this is amendatory, it shall be the duty of the Register of Deeds of the county in which the lands so laid out are situated, to record the same as provided in said act, and when so recorded, the said plat shall be as valid and effectual for the purposes of the assessment, collection and return of taxes, and of the sale of said lands which may be delinquent in the payment thereof, as though the same had been duly acknowledged and recorded according to the provisions of the act to which this is amendatory, and the said Registers shall receive for the services rendered under the provisions of this act, such sums as the Boards of Supervisors of their respective counties shall deem reasonable, to be paid from the Treasury of the county. (d)

Effect.

Person interested may appear and oppose application.

(1141.) SEC. 9. When application is made to alter or vacate any Town or Village Plat, as aforesaid, any person or persons interested may appear in person or by attorney, and oppose the same, by having his or their appearance entered upon the records of said Court for that purpose; and in case the proprietor succeed in his application, then judgment shall be rendered in his favor, and costs against the person or persons opposing the same; but in case the proprietor does not suc-

Judgment.

(c) As Amended by Act 118, of 1848. Laws of 1848, p. 141.

(d) Added by Act 118, of 1848, which took effect May 28, 1848; and Amended by Act 5, of 1849. Laws of 1849, p. 4.

ceed in his application, judgment shall be rendered in favor of the person or persons opposing the same, for costs, and shall be taxed and execution issued therefor as in other cases. (e)

An Act to Amend an Act entitled, "An Act to Amend an Act to Provide for the Recording of Town Plats, and for Vacating the same in certain cases; approved April 19, Eighteen Hundred and Thirty-Nine."

[Approved Jan. 17, 1849. Laws of 1849, p. 4.]

(1142.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act ^{Act relative to Record of Town Plats amended.} approved March 27th, eighteen hundred and forty-eight, being "An Act to Amend an Act to provide for the Recording of Town Plats, and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine," be and the same is hereby amended as follows:

(1143.) SEC. 2. Amend section one by inserting the words, *ibid.* "of deeds," after the word "Register," in the tenth line.

(1144.) SEC. 3. Strike out of the seventh line in section *three* ^{*ibid.*} (f) the words, "County Register," and insert in the place thereof the words, "Register of Deeds of the County."

(1145.) SEC. 4. All Town Plats recorded since the passage ^{Certain Records legalized.} of the act hereby amended, shall be deemed as valid and effectual in law, as if the same had been recorded, under the provisions of said act, as hereby amended.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act Relative to Town Plats.

(Approved March 20, 1850. Laws of 1850, p. 72.)

(1146.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases in which the proprietor or proprietors of any piece of land shall heretofore have caused the same to be laid out and platted as a town or village, and shall have caused such plat to be recorded in the office of the Register of Deeds of the county in which such land is situated, without having acknowledged the same according to the statute in such case made and provided, and ^{Plats; when valid.} ^{Effect of Recorded Plat not acknowledged.}

(e) Added by Act 210 of 1850, approved and in force from April 1, 1850. Laws of 1850, p. 212.

(f) Section 9 as above given.

shall have sold and conveyed lots in such town or village by deeds duly acknowledged, referring to such recorded Plat, such Plat so recorded shall be deemed to have the same effect in all respects whatsoever, as if the same had been acknowledged by such proprietor or proprietors, according to the statutes in such case made and provided: *Provided*, That all mortgages upon, or sales, contracts of sale of, or any vested rights in any lands so conveyed by any Village Plat, and which lands shall be described without reference to such Plats, or any suit or foreclosure of mortgage now pending in relation to the same, shall not in any wise be affected by the operation of this section.

Hav. Ch. R. 404.
2 Doug. Mich.
256.

Plat to be evidence against parties.

(1147.) SEC. 2. The record of any Village Plat heretofore made and duly acknowledged, shall be evidence as against the parties so acknowledging, of the sufficient dedication, gift and grant to the public of any portion thereof represented in such Plat as a public square; but the rights of parties to any suits now pending in relation to the same shall not be affected by the provisions of this act.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

TITLE XI.

OF THE REGULATION OF TRADE IN CERTAIN CASES.

CHAPTER XXIX. Of the Inspection of Provisions and other Merchandises, and Regulations respecting the Sale thereof.

CHAPTER XXX. Of Weights and Measures.

CHAPTER XXXI. Of Bills of Exchange and Promissory Notes.

CHAPTER XXXII. Of Limited Partnerships.

CHAPTER XXXIII. Of Private Associations and Partnerships for Mining and Manufacturing Purposes.

CHAPTER XXXIV. Of the Construction of Lines of Telegraph by Individuals and Associations.

CHAPTER XXXV. Of Money of Account, and of the Interest of Money, and on Judgments, Verdicts, etc.

CHAPTER XXXVI. Of the Support and Regulation of Mills.

CHAPTER XXIX.

OF THE INSPECTION OF PROVISIONS AND OTHER MERCHANDISES, AND REGULATIONS RESPECTING THE SALE THEREOF.

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Chapter Thirty of Revised Statutes of 1846.

Inspectors may
be elected.

(1148.) SECTION 1. There may be elected in each of the organized counties in this State, as the public convenience and necessity may require, Inspectors of the following articles, namely: beef and pork, butter and hog's lard, fish, flour and meal, leather, and pot and pearl ashes; and such Inspectors shall hold their offices, respectively, for the term of four years, unless sooner removed by the Board of Supervisors for misconduct in office.

(1149.) SEC. 2. Each Inspector shall, before entering on the Oath and Bond. duties of his office, take and subscribe the oath of office prescribed by the twelfth article of the Constitution of this State, and cause the same to be filed in the office of the clerk of the county for which he shall be elected, and shall also give bond, with sufficient sureties, as hereinafter provided.

(1150.) SEC. 3. Each Inspector shall appoint one or more Deputies. deputy Inspectors, removeable at his pleasure, in each township within his county where he shall deem it necessary, for whose official conduct he shall be responsible; and they shall give bonds, with sufficient sureties to him, in a penal sum not exceeding five hundred dollars each, and shall take and subscribe the Constitutional oath of office, and cause the same to be filed in the office of the clerk of the county within which they shall be appointed.

BEEF AND PORK.

(1151.) SEC. 4. Each Inspector of beef and pork shall, before Bond of Inspectors of Beef and Pork. entering upon the duties of his office, give bond with sufficient sureties, to the Treasurer of this State, in the penal sum of one thousand dollars; which bond shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

(1152.) SEC. 5. Each Inspector of beef and pork shall, Annual returns. annually, in the month of December, make a return to the Secretary of State, of the whole number of barrels and half barrels of beef and pork so inspected by him and his deputies, during the year preceding the first day of December in the year when such return is made, designating therein the different sorts, and the places at which the same was inspected.

(1153.) SEC. 6. All barrels in which beef or pork shall be Quality of Barrels and Weight of Contents. packed, shall be made of good seasoned white oak, or white ash staves and heading, free from any defect, and each barrel shall contain two hundred pounds of beef or pork.

(1154.) SEC. 7. Such barrels shall measure seventeen and a Barrels, how made. half inches between the chimes, and be twenty-nine inches long, and be hooped with at least twelve good hickory, white oak, or other suitable hoops; and if the barrel be made of white ash staves, it shall be hooped with at least fourteen such hoops; the staves and heads shall be made of a proper thickness, and the hoops shall be well set and driven together.

- Half Barrels.** (1155.) SEC. 8. The half barrels in which any beef or pork shall be packed, shall contain not less than fifteen, nor more than sixteen gallons, and made in proportion to, and of the like materials as a whole barrel, and shall contain one half of the quantity of beef and pork of the whole barrel.
- Quality, etc., of Beef.** (1156.) SEC. 9. No beef shall be branded by an Inspector as hereinafter mentioned, unless it be of fat cattle, not under three years old; and all such beef shall be cut into pieces as nearly square as may be, and of not more than twelve, nor less than four pounds in weight.
- Denominations of Beef.** (1157.) SEC. 10. All beef shall be sorted and divided for packing, or repacking, in barrels or half barrels, into three sorts, to be denominated "mess," "prime," and "cargo," beef.
- Mess Beef.** (1158.) SEC. 11. Mess beef shall consist of the choice pieces of such cattle as are large and well fatted, without hocks, shanks, clods, or necks, and may or may not contain two choice rounds out of the same cattle, not exceeding ten pounds each; and each barrel or half barrel containing beef of this description, shall be branded on one of the heads, with the words, "mess beef."
- Prime Beef.** (1159.) SEC. 12. Prime beef shall consist of choice pieces of good fat cattle, of which there shall not be in a barrel more than one half of a neck, nor more than two shanks, with the hocks cut off of the hind legs, at the smallest place above the joints; and each barrel and half barrel containing beef of this description, shall be branded on one of the heads with the words, "prime beef."
- Cargo Beef.** (1160.) SEC. 13. Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one half of a neck, and three shanks, with the hocks cut off in the same manner as in prime in a barrel, and shall be otherwise merchantable; and each barrel and half barrel of beef of this description, shall be branded on one of the heads with the words, "cargo beef."
- How Salted.** (1161.) SEC. 14. Every barrel of beef shall be well salted with good clean salt, equal to seventy pounds of Turk's Island salt, exclusive of a strong, new pickle; and to each barrel shall be added four ounces of saltpetre; and every half barrel shall be salted in the same proportion, and two ounces of saltpetre shall be added thereto.
- How Branded.** (1162.) SEC. 15. On one head of every barrel and half barrel of merchantable beef and pork inspected and packed, shall be

distinctly branded the weight it contains, with the first letter of the christian name, and the surname at full length, of the Inspector, or deputy, who shall have inspected the same; the word "MICHIGAN;" and the name of the county, and the year in which the same was inspected and branded.

(1163.) SEC. 16. No beef or pork shall be branded by an Inspector, except such as shall be sweet and wholesome, and except the same be packed in casks of the dimensions herein-after prescribed. When not to be Branded.

(1164.) SEC. 17. There shall be four qualities of pork: the first quality shall be denominated "mess pork," and shall consist of the sides of good fat hogs, exclusive of all other pieces; and each barrel, or half barrel of pork of this description, shall be branded on one of its heads with the words, "mess pork." Denominations of Pork. Mess Pork.

(1165.) SEC. 18. The second quality of pork shall be denominated "prime pork," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, nor more than twenty-four pounds of heads, which shall have the ears and snouts cut off; such snouts to be cut off at the opening of the jaws, and the brains and all impure matter to be taken out of the heads; and the rest of the pork necessary to constitute a brand of prime pork, shall be made up of side pieces, neck and tail pieces, and on one head of every such barrel or half barrel, shall be branded the words, "prime pork." Prime Pork.

(1166.) SEC. 19. The third quality of pork shall be denominated "one hog pork," of which there shall not be in a barrel more than two hams, two shoulders, one neck, one rump, and one head, with the ears and snout cut off, and the brains and all impure matter taken out; and the rest of the pork to make up the barrel, shall consist of good side pieces, and each barrel of pork of this description shall be branded with the words, "one hog pork," on one head thereof. One Hog Pork.

(1167.) SEC. 20. The fourth quality of pork shall be denominated "cargo pork," of which there shall not be in a barrel more than thirty pounds of head, nor more than four shoulders, and it shall otherwise be merchantable pork; and one head of every such barrel or half barrel of such pork, shall be branded with the words, "cargo pork." Cargo Pork.

(1168.) SEC. 21. Every barrel of pork shall be well salted, with good clean salt, equal to seventy pounds of good Turk's Island salt, exclusive of a strong new pickle; and every half barrel shall be salted in the same proportion. How Salted.

Fees for Inspection.

(1169.) SEC. 22. The Inspectors, and their deputies, shall be paid the following, and no other fees, for inspecting and branding all casks of beef and pork, and giving a certificate thereof, to wit: For every barrel, fifteen cents, and for every half barrel, ten cents; which charges shall be paid by the person employing the Inspector, together with the sum of twenty-five cents for each barrel, and fifteen cents for each half barrel, for packing and coopering the same, if done by him.

Penalty for neglect or fraud.

(1170.) SEC. 23. If any Inspector, or deputy Inspector, shall unreasonably neglect or refuse to inspect or brand, on application made to him for that purpose, or shall be guilty of any neglect or fraud in inspecting, packing, or branding any casks of beef or pork, contrary to the provisions of this chapter, or shall mark with his brands any casks containing beef or pork which has not been actually inspected, he shall forfeit the sum of ten dollars for each offence.

Unlawful Branding, Penalty for.

(1171.) SEC. 24. If any person other than an Inspector, or deputy Inspector, shall brand any cask of beef or pork as having been inspected, he shall forfeit a sum not exceeding twenty dollars for each cask so unlawfully branded.

Penalty for intermixing.

(1172.) SEC. 25. If any person shall, with intent to defraud, intermix, take out, or change any beef or pork from any cask inspected or branded as aforesaid; or shall put into such cask any other beef or pork for sale or exportation, contrary to the provisions of this chapter, he shall forfeit for each offence a sum not exceeding twenty dollars.

SEC. 26. (a)

[BUTTER AND HOG'S LARD.]

Inspectors of Butter, etc., to give Bond.

(1173.) SEC. 27. Each Inspector of butter and hog's lard shall, before entering upon the duties of his office, give bond with sufficient sureties, to the Treasurer of this State, in the penal sum of five hundred dollars; which bond shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

Annual Returns.

(1174.) SEC. 28. Each of the Inspectors of butter and lard shall, annually, in the month of December, make a return to the Secretary of State, of the whole number of casks, the dif-

ferent qualities, and the weight of each quality of butter and lard inspected by him and his deputies during the year next preceding the first day of said December.

(1175.) SEC. 29. The Inspectors or their deputies shall examine casks, kegs and firkins containing butter or hog's lard, on application made by any person, and shall, with a proper instrument, perforate the contents of such casks, kegs or firkins, from one head to the other, and thereby draw out so much as shall determine the quality of the whole; and they shall see that it has been preserved with a due proportion of good fine salt, that it is sweet and pure, and otherwise merchantable.

Mode of making Inspection.

(1176.) SEC. 30. Each cask, keg or firkin of butter or hog's lard, which appears to be good and merchantable, shall be branded, in plain and legible characters, with the word "butter," or "hog's lard," as the same may be, and "first," or "second," or "third," according to its quality; and all other butter or hog's lard shall be branded with the word "refuse."

Keg or Firkin, how Branded.

(1177.) SEC. 31. Each cask, keg or firkin of butter or hog's lard, shall also be branded with the weight of the contents thereof, and with the word "MICHIGAN," the name of the township where it shall be inspected, the initial letter of the Inspector or deputy's christian name, and the whole of his surname, and the month and year in which the same may be inspected; and where the name of the month consists of more than one syllable, it may be abbreviated.

(1178.) SEC. 32. All casks, kegs or firkins, in which butter or hog's lard shall be packed for exportation, shall be made of sound and well seasoned white oak or white ash staves and heading, full bound with oak, ash or walnut hoops.

Casks, how made.

(1179.) SEC. 33. Each cask, keg or firkin, before any butter or hog's lard shall be packed therein, shall be filled with a strong brine, which shall remain therein three days, and as soon as the brine is emptied from the cask, keg or firkin, it shall be weighed by the owner of such butter or hog's lard, who shall, with a marking iron, mark on one of the heads thereof the full weight of the cask, keg or firkin, and shall brand thereon the initial letter of his christian name, and the whole of his surname.

How prepared.

(1180.) SEC. 34. The Inspector, or any deputy, for his services in inspecting, branding, weighing and delivering to the owner an invoice or weigh-note under his hand, of the weight of each cask, keg, or firkin, shall receive five cents for each cask, keg, or firkin, to be paid by the person employing him.

Fees for Inspection.

Penalty for neglect or delay.

(1181.) SEC. 35. If any Inspector, or deputy Inspector shall, on application made for the inspection of any butter or hog's lard, as aforesaid, unreasonably neglect, refuse or delay to proceed to such inspection and branding for the space of three hours after application made to him, he shall, for each offence, forfeit the sum of five dollars.

Penalty for Counterfeiting Brand, etc.

(1182.) SEC. 36. If any person shall counterfeit any brand used by any Inspector or deputy Inspector, or if any person shall make use of any such counterfeit brand, or of the brand of any Inspector or deputy, to impress or brand any cask, keg or firkin of butter or hog's lard, he shall forfeit for each offence the sum of ten dollars; and if any owner of butter or hog's lard shall falsely mark any cask, keg or firkin thereof, or cause the same to be falsely marked, he shall forfeit the sum of three dollars for each offence.

Penalty for Inter-mixing.

(1183.) SEC. 37. If any person shall, with intent to defraud, intermix, take out, or change any butter or hog's lard, from any cask, keg, or firkin inspected and branded as aforesaid, or shall put into such cask, keg or firkin, any other butter or lard for sale or exportation, without first cutting out the said brands and marks, the person so offending shall, for each such cask, keg or firkin, forfeit the sum of ten dollars.

FISH.

Inspectors of Fish to give Bond.

(1184.) SEC. 38. Each Inspector of fish, before entering upon the duties of his office, shall give bond, with sufficient sureties, to the Treasurer of this State, in the penal sum of one thousand dollars; which bond shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

Annual Returns.

(1185.) SEC. 39. Each Inspector of fish shall, annually, in the month of December, make a return to the Secretary of State, of the quantity of fish inspected by him and his deputies during the year next preceding the first day of said December; and in each return he shall specify the different kinds and qualities, and the quantity of each quality so inspected.

Inspection.

(1186.) SEC. 40. The Inspector and his deputies shall, on application made to them for that purpose, proceed to examine any pickled fish submitted for inspection, and shall see that the same have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint or damage;

and such fish as shall be found in good order, and of a good quality, shall be packed; either in barrels containing two hundred pounds, or in half barrels containing one hundred pounds.

(1187.) SEC. 41. Such fish shall be packed with good clean salt suitable for the purpose, and after packing said fish with sufficient salt to preserve them, and heading said casks, they shall be filled up with a clean strong pickle; and the fish denominated white fish, of good quality, properly cleaned, and in good order, may be packed as aforesaid, without having been previously salted or pickled. How Packed.

(1188.) SEC. 42. Each cask shall be filled with fish of one and the same kind; and the Inspectors and their deputies shall brand, in plain, legible letters, on the head of each cask of fish inspected by them respectively, "number one," or "number two," representing the quality of the fish packed or repacked; he shall also brand on one head of each cask, the denomination of the fish, the initials of the christian name, and the whole of the surname of the Inspector or deputy, the name of the county in which such fish are inspected, the word "MICHIGAN," and the month and year of the inspection. Denominations, and how Branded.

(1189.) SEC. 43. If any person, with intent to defraud, shall intermix, take out, or change any inspected fish, which shall be packed and branded as aforesaid, or shall put any other fish in any cask so branded, for sale or exportation; or if any person shall counterfeit any brand marks of any Inspector or deputy, on any cask containing fish, he shall forfeit fifteen dollars for each offence. Penalty for Frauds.

(1190.) SEC. 44. All casks used for packing and repacking pickled fish, shall be made of sound, well seasoned, white, red, or black oak, white ash, or white pine timber; the barrels and half barrels shall be well hooped, with at least ten good hoops each, and shall be made in a substantial, workmanlike manner. Casks, how made.

(1191.) SEC. 45. The fees for inspecting and branding shall be, for each barrel, ten cents, and for each half barrel, six cents; and for overhauling, inspecting, repacking and branding, for each barrel, twenty cents, and for each half barrel, twelve cents, exclusive of cooperage; which fees shall be paid by the person employing the Inspector. Fees of Inspectors of Fish.

(1192.) SEC. 46. If any person shall sell within this State, or shall export, or cause to be exported therefrom, any tainted or otherwise damaged fish, unless with the intent that the same shall be used for some other purpose than as food, he shall forfeit the sum of ten dollars for every one hundred Penalty for Selling or Transporting Tainted Fish, etc.

pounds of such fish, and in the same proportion for any other quantity thereof; and upon any trial in such case, the burden of proof shall be upon the defendant, to show for what purpose such fish were so exported or sold.

Penalty on Inspector for certain Frauds.

(1193.) SEC. 47. If any Inspector, or deputy Inspector of fish shall brand any cask of fish, the contents of which he has not duly inspected and ascertained to be good, or if he shall permit any other person to use his brand, in violation or evasion of the provisions of this chapter, he shall forfeit, for each offence, the sum of twenty dollars, and shall also be removed from office.

FLOUR AND MEAL.

Bond of Inspector of Flour and Meal.

(1194.) SEC. 48. Each Inspector of flour and meal, before entering upon the duties of his office, shall give bond with sufficient sureties, for the faithful performance of the duties of his office, in the penal sum of one thousand dollars, which shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

Annual Returns.

(1195.) SEC. 49. Each Inspector of flour and meal shall, annually, in the month of December, make a return to the Secretary of State, of the quantities and qualities of flour and meal inspected by him and his deputies during the year preceding the first day of said December.

How Packed.

(1196.) SEC. 50. All wheat flour, rye flour, and buckwheat meal, manufactured in this State for sale or exportation, shall be packed in good and strong casks, made of seasoned oak, or other sufficient timber, and hooped with at least ten good and substantial hoops, three of which shall be on each chime, and properly nailed.

Sizes and capacity of Casks.

(1197.) SEC. 51. The casks shall be of two sizes, one of which shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches in length, and each head sixteen and one half inches in diameter; the other size shall contain ninety-eight pounds, with staves twenty-two inches long, and each head fourteen inches in diameter.

Casks, how made and Branded.

(1198.) SEC. 52. The casks shall be made as nearly straight as may be, and their tare shall be accurately marked on one head with a marking iron, and they shall also be branded with the weight of the flour or meal contained therein, and with the initials of the christian, and the whole of the surname of the manufacturers thereof, except when such flour or meal shall

be manufactured by a company, when the cask may be branded with the name of such company.

(1199.) SEC. 53. Every such cask of wheat flour shall also be branded as follows, namely: If of a superior quality, Brands of Wheat Flour. "superfine," if of a second quality, "fine," if of a third quality, "fine middlings," if of a fourth quality, "middlings."

(1200.) SEC. 54. Each cask of rye flour of the first quality, Of Rye Flour, etc. shall be branded with the words, "superfine rye flour," and each cask of the second quality, with the words, "fine rye flour," and each cask of buckwheat meal shall be branded with the words, "B. meal."

(1201.) SEC. 55. When the flour or meal has been packed and branded according to the preceding provisions, application may be made to an Inspector or deputy Inspector of flour and meal, and it shall be his duty to examine and determine the quality of the same. Application for Inspection, etc.

(1202.) SEC. 56. It shall be the duty of the Inspector or Duties of Inspector. deputy:

1. To ascertain, by examination, the weight of all casks which he may suspect of being falsely tared;

2. To alter and correct the brands, in all cases where he shall be of opinion that they do not designate the real quality of the flour or meal;

3. To weigh such casks as he shall suspect do not contain the full weight, and if they do not contain the full weight, to brand them with the word "light."

4. To brand all casks containing flour or meal so damaged as not to be fit for exportation, with the word "bad:" and,

5. On all casks made, branded and packed according to the provisions of this chapter, to brand in a legible manner, on one head thereof, the initials of his christian, and the whole of his surname, together with the name of the county where the inspection has been made.

(1203.) SEC. 57. Every Inspector or deputy Inspector of flour and meal, shall be entitled to receive for inspecting, boring, branding and plugging each barrel and half barrel, three cents, and for weighing and ascertaining the light weight or under tare of each barrel and half barrel, three cents. Fees of Inspectors.

(1204.) SEC. 58. Every person who shall alter or counterfeit any brand marks of the Inspector or deputy, or of the manufacturer, made under the provisions of this chapter, shall forfeit the sum of ten dollars for every cask the brand of which shall be so altered or counterfeited; and every person Penalty for Counterfeiting Brand marks, etc.

who shall put any flour or meal into an empty cask, branded by an Inspector, and offer the same for sale in such cask, without first cutting out the brands, shall forfeit, for each offence, the sum of five dollars.

LEATHER.

Bonds of Inspectors of Leather.

(1205.) SEC. 59. Each Inspector of leather shall, before entering upon the duties of his office, give bond to the Treasurer of this State, in the penal sum of two hundred and fifty dollars, with sufficient sureties; which bond shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

Annual Returns.

(1206.) SEC. 60. Each Inspector of leather shall, annually, in the month of December, make a return to the Secretary of State, of the number and weight of all the sides of sole leather inspected by him and his deputies during the year ending on the first day of that month; and in such return he shall designate the quantity of each quality of leather so inspected.

Sole Leather how inspected.

(1207.) SEC. 61. Every Inspector or deputy, when requested, shall inspect all sole leather offered for his inspection, and he shall furnish himself with proper scales, weights and seals for such purpose, and shall weigh each side of sole leather which he shall inspect, and impress thereon the initials of his christian, and the whole of his surname, and the name of the county for which he is Inspector or deputy, at full length, and also the weight thereof.

How Branded.

(1208.) SEC. 62. On all sole leather which such Inspector or deputy shall find, upon inspection, to be manufactured of good hides, in the best manner, he shall impress the word, "best;" and on all manufactured of good hides, in a merchantable manner, the word, "good;" and on all manufactured of damaged hides, in a merchantable manner, the word "damaged;" and on all sole leather not belonging to any of the qualities aforesaid, the word "bad."

Penalty for Fraud.

(1209.) SEC. 63. If any person shall, with intent to defraud, alter, or deface such mark on any side of sole leather so inspected, or shall counterfeit such marks, he shall, for each offence, forfeit the sum of twenty-five dollars.

(1210.) SEC. 64. The Inspector, or his deputy, shall be paid

for inspecting, weighing and sealing each side of sole leather, Fees for inspecting. the sum of four cents, to be paid by the person employing him.

(1211.) SEC. 65. If any side of sole leather shall, when dried Inspector liable in case of variation in weight. in a merchantable manner, so vary as to weigh five per cent. more or less than the weight marked thereon by the Inspector who inspected the same, he shall be liable to pay the whole variation, at a fair valuation, to be recovered in an action on the case, by the party injured thereby.

(1212.) SEC. 66. If any Inspector, or deputy Inspector of Penalty for neglect, etc. leather, on application made to him for the inspection of any sole leather, shall, for the space of three hours, unreasonably refuse, or neglect to make such inspection, he shall, for each offence, forfeit the sum of five dollars.

POT AND PEARL ASHES.

(1213.) SEC. 67. Each Inspector of pot and pearl ashes Bond of Inspector of Pot and Pearl Ashes. shall, before entering upon the duties of his office, give bond to the Treasurer of this State, with sufficient sureties, in the penal sum of five hundred dollars; which bond shall be approved by the County Clerk, and lodged with the Treasurer of the county for which such Inspector is elected.

(1214.) SEC. 68. Each Inspector of pot and pearl ashes Annual Returns. shall, annually, in the month of December, make a return to the Secretary of State, of the number of casks of pot and pearl ashes inspected by him and his deputies during the year ending on the first day of that month, specifying the number of each kind, under each brand, and the weight of each quality.

(1215.) SEC. 69. Every manufacturer of pot and pearl ashes How Branded, etc., by Manufacturer. shall brand each cask containing the same with the initials of his christian name, and the whole of his surname, or with the name of the company, if the same shall have been manufactured by a company, and with the name of the township, village or city where the same shall have been manufactured, before the same shall be removed from the manufactory.

(1216.) SEC. 70. The Inspectors and their deputies shall, Examination by Inspector. within their respective counties, examine all pot and pearl ashes submitted to them for inspection; and they shall remove the same from the casks, and carefully inspect and determine the quality of the same, and sort the same into three different sorts, if necessary.

Sorting and
Branding by In-
spector.

(1217.) SEC. 71. They shall put each sort into casks by itself, which they shall distinguish by the words, "first sort," "second sort," or "third sort," with the words, "pot ashes," or "pearl ashes," as the same may be, branded thereon in plain legible letters, together with the weight thereof, the initial letters of the Inspector's or deputy's christian name, and the whole of his surname, the place where such pot or pearl ashes shall be inspected, and the word "MICHIGAN," at full length, on one head of each cask.

Fees for Inspec-
tion, etc.

(1218.) SEC. 72. The Inspector or his deputy shall receive for inspecting, weighing and branding, and delivering to the owner an invoice or weigh-note under his hand, of the weight of each cask of pot and pearl ashes, the sum of six cents for every hundred pounds so inspected; and if any cask shall be coopered and nailed by him, he shall receive therefor the further sum of twelve cents.

Penalty on In-
spector for neg-
lect, etc.

(1219.) SEC. 73. If any Inspector or deputy Inspector shall, after application made to him for the inspection of any pot or pearl ashes, unreasonably refuse or neglect to make such inspection for the space of three hours after such application, the Inspector or deputy so refusing or neglecting, shall, for each offence, forfeit the sum of five dollars.

Casks how made.

(1220.) SEC. 74. Every cask in which pot or pearl ashes shall be packed for exportation, shall be made of sound and well seasoned oak or white ash staves and heading, full bound, not less than twenty-nine inches in length, and nineteen inches in diameter in the head, and of such weight in proportion to its contents, as will amount, as near as may be, to fourteen per cent. tare thereon.

Casks to be
weighed and
marked.

(1221.) SEC. 75. The Inspector or deputy, after removing the pot or pearl ashes from the cask for inspection, shall weigh each cask, and mark the weight with a marking iron on the head thereof.

Penalty for
Fraud.

(1222.) SEC. 76. If any person shall, with intent to defraud, brand any pot or pearl ashes manufactured by himself, with the name of any other person, or shall brand any such cask manufactured by another person with his own name, or shall counterfeit any brand belonging to, or proper to be used by the Inspector, or any deputy, to impress or brand any cask of pot or pearl ashes, he shall forfeit and pay, for each offence, the sum of fifty dollars.

Ibid.

(1223.) SEC. 77. If any person shall, with intent to defraud, take out of any cask of pot or pearl ashes, inspected and

branded as required by this chapter, any portion of the contents thereof, and put into the same any other pot or pearl ashes, or shall put into any empty cask which shall have been branded by the Inspector as aforesaid, any pot or pearl ashes, for sale or exportation, without first cutting out the said brand marks, the person so offending shall, for each such cask, forfeit the sum of ten dollars.

BEER, ALE AND CIDER.

(1224.) SEC. 78. No person shall sell, or expose for sale any ale or beer, in barrels, half barrels, casks or kegs, of a less capacity, respectively, than barrels of thirty-two gallons each, half barrels of sixteen gallons each, and casks or kegs of ten gallons each, unless such other barrels, half barrels, casks or kegs, shall be conspicuously and permanently marked, on both heads, with the true measure thereof in gallons. In what Casks to be offered for Sale, and how marked.

(1225.) SEC. 79. Any person offending against the provisions of the last preceding section, shall forfeit the value of the ale or beer so exposed for sale or sold, and the barrels, half barrels, casks or kegs containing the same. Forfeiture for violation of this Act.

(1226.) SEC. 80. In all contracts for the sale of any ale, beer or cider, by the barrel or half barrel, the barrel shall be deemed to contain thirty-two gallons, and the half barrel sixteen gallons, unless the parties otherwise agree. Contracts for Sale how construed.

STAVES AND HEADING.

(1227.) SEC. 81. In every county from which staves are usually exported, there may be elected two or more suitable persons, to be cullers of staves and heading, and who shall, before entering upon the duties of their offices, take and subscribe the Constitutional oath of office, and cause the same to be filed in the office of the clerk of the county within which the duties of their offices are to be performed, and shall hold their offices for the term of five years from the time of their respective elections, unless sooner removed from office by the Governor. Cullers of Staves and Heading, their Election, Oath of office, etc.

(1228.) SEC. 82. They shall be allowed for their time and services in culling and inspecting staves, as follows, namely: . for every thousand long butt staves; one dollar and twenty-five cents; for every thousand short butt staves, one dollar; for every thousand pipe staves, fifty cents; for every thousand Compensation.

hogshhead staves and heading, thirty-seven and a half cents; and for every thousand barrel staves and heading, twenty-five cents, to be paid by the owner thereof.

Inspecting and Culling.

(1229.) SEC. 83. All staves or heading intended for sale or exportation, may be inspected and culled, by a culler of staves and heading, at or near the place of sale or exportation; and none shall be culled as merchantable, unless they shall be of the description required in the following sections.

Butt Staves.

(1230.) SEC. 84. All long butt staves shall be of good white oak timber, five feet six inches long, and all short butt staves shall be of good white oak timber, four feet six inches long, and both at least five inches broad when dressed, clear of sap, two inches thick on the thinnest edge, and not more than two and a half inches thick in any place, and they shall be regularly split with the grain of the wood, and free from twist, and otherwise good and sufficient.

Pipe Staves.

(1231.) SEC. 85. All pipe staves shall be made of good white oak timber, four feet six inches long, and shall work three inches broad when dressed clear of sap, and shall be three quarters of an inch thick on the thinnest edge, regularly split with the grain of the wood, and shall not have more than six worm holes, and be otherwise good and sufficient.

Hogshhead Staves.

(1232.) SEC. 86. All hogshhead staves shall be made of good white oak timber, three feet six inches long, and shall work three inches broad when dressed, clear of sap, and shall be three quarters of an inch thick on the thinnest edge, regularly split with the grain of the wood, and shall not have more than four worm holes, and shall be otherwise good and sufficient.

Barrel Staves.

(1233.) SEC. 87. All barrel staves shall be made of good white oak, or white ash timber, two feet six inches long, and shall work three and a half inches broad when dressed, clear of sap, and shall be three quarters of an inch thick, on the thinnest edge, regularly split with the grain of the wood, and shall not have more than three worm holes, and be otherwise good and sufficient.

Hogshhead Heading.

(1234.) SEC. 88. All hogshhead heading shall be made of good white oak timber, two feet eight inches long, and not less than five inches broad, clear of sap, two thirds of which shall be suitable for middle pieces, and shall not be less than three quarters of an inch thick on the thinnest edge, regularly split with the grain of the wood, and be otherwise good and sufficient.

(1235.) SEC. 89. If any culler shall connive at, or be guilty of, any fraud in the culling of staves or heading, he shall forfeit the sum of fifty dollars for each offence; and in case any culler of staves and heading shall unreasonably neglect or refuse to attend to the services required of him, when he shall be thereunto requested, he shall forfeit the sum of fifty dollars for every such neglect or refusal. Penalty on Culler for Fraud and neglect.

(1236.) SEC. 90. Nothing in this chapter contained shall be so construed as to render it obligatory upon any person to have any of the articles therein mentioned inspected; but all contracts for the sale or manufacture of any such articles, shall be deemed to be made with reference to the provisions of this chapter regulating the quality, quantity, and other description thereof, respectively, unless the parties shall otherwise expressly agree. Construction of this Chapter.

An Act to Provide for the Inspection of Lumber.

[Approved February 12, 1855. Took effect May 10, 1855. Laws of 1855, p. 266.]

(1237.) SECTION 1. *The People of the State of Michigan enact,* There shall be appointed a State Inspector of lumber, who shall receive his appointment and commission from the Governor, and shall hold his office for two years, unless sooner removed, and shall keep his office in the City of Detroit, and shall have power to appoint one Inspector in each county, to be called the County Inspector, and such other deputy Inspectors in each city or town as shall be necessary to carry out the provisions of this act. Inspector of Lumber to be appointed. To appoint County and Deputy Inspectors.

(1238.) SEC. 2. The State Inspector shall make all necessary and proper rules and regulations relative to the inspection of lumber in this State, and shall furnish such instructions to all county and deputy Inspectors, from time to time, as shall cause the system of inspection to be uniform and regular, as far as may be, throughout the State, subject to the following provisions:

1. All lumber for the purposes of inspection shall be classified as follows: 1st quality, or clear; 2d quality, or middlings; 3d quality, or fair common; 4th quality, or common; [5th], culls, or culls; Classification of Lumber, etc.

2. Each quality, with the imperfections allowed therein, shall be specified and described, as far as practicable, by the Further duties of Inspector.

State Inspector, and shall be the sole rule of inspection of all the county and deputy Inspectors ;

Compensation.

3. There shall be paid to the Inspector twenty cents per thousand, one half by the seller, and one half by the purchaser, on each and every thousand feet, board measure, of lumber inspected under the provisions of this act; each deputy Inspector shall give, with all practicable despatch, to the seller and purchaser, and to each of them, a certified copy of each inspection, free of charge ; and shall also deposit forthwith a certified copy of the same with the County Inspector, who shall also return the aggregate lists of all inspections in his county to the office of the State Inspector, as often as once in each month.

To give copy of inspection to parties, etc.

To keep a Record.

(1239.) SEC. 3. The State Inspector, County Inspector, and each deputy Inspector, shall keep a full record of all inspections, with the names of purchaser and seller, time of inspection, qualities and quantities of lumber inspected, and place where inspected ; and the State Inspector shall prescribe what portion of the amount herein allowed for inspection shall be severally allowed to the deputy, county, and State Inspector, but no other fee, perquisite, or remuneration, shall be demanded

Fees, how distributed.

Inspection of Lumber not compulsory.

OR allowed, other than that herein provided. That nothing herein contained shall be construed as compulsory on any party to have his lumber inspected, but such inspection shall in all cases be optional with the holder or owner.

Punalty for unfairness in Inspector.

(1240.) SEC. 4. The State Inspector, his deputies and assistants, shall inspect all lumber with fairness and impartiality ; and in case any Inspector, deputy, or assistant employed, shall, either, or any of them, practice favoritism, and shall not so inspect lumber as aforesaid, he or they shall be deemed guilty of a misdemeanor, and may be punished by fine and imprisonment, in the discretion of the Court: *Provided*, That such fine shall not exceed one hundred dollars, nor such imprisonment more than three months in the county jail.

CHAPTER XXX.

OF WEIGHTS AND MEASURES.

SECTION

1241. Public Standards of Weights and Measures.

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SECTION

1248, 1249. Township Sealer, his duty.

1250. Compensation of Township Clerk.

1251. When Clerk to go to Stores, etc., and try Weights and Measures.

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1253. Fees of County Clerk for Sealing, etc.

1254. When Township Clerk to procure Standard.

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1256. Vibrating Steelyards.

1257. Construction of certain Contracts.

1258. Weight of Grains, etc., to the Bushel.

1259. Measure for Charcoal, etc.

Chapter Thirty-One of Revised Statutes of 1846.

(1241.) SECTION 1. The weights and measures, together with ^{Public Standards of Weights and Measures.} the scales and beams, and those made in conformity therewith, which are now, or may hereafter be deposited in the Treasury of this State, shall be preserved by the Treasurer, and be the public standards.

(1242.) SEC. 2. The Treasurer of the State shall be the ^{State Sealer, his duties.} State Sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the letter "M." upon the weights and measures, and scales and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, and scales and beams to be provided by the several counties, when examined by said Treasurer, and found to be in conformity with the standard weights and measures, and scales and beams aforesaid.

(1243.) SEC. 3. The Board of Supervisors for each county ^{Supervisors to procure Standard from State Sealer, etc.} for which the same have not already been obtained, shall procure, for the use and at the expense of their county, a com-

plete set of weights and measures, and scales and beams, in exact conformity with those remaining in the State Treasury; except that the same may be made of such suitable materials as the Supervisors may direct, which shall be tried and proved by the said Treasurer, and by him sealed and certified.

County Standard
to be deposited
with Clerk; his
duties.

(1244.) SEC. 4. When so sealed and certified, such weights and measures, scales and beams, shall be deposited with the County Clerk, who shall be the sealer of weights and measures for the county, and the same shall be kept by him as the standard of weights and measures for the county; and the said clerk shall also provide and keep a seal similar to the seal required to be kept by the State Treasurer, with which he shall seal the weights and measures, and scales and beams, to be provided by the several townships.

County Standard
to be tried once
in five years.

(1245.) SEC. 5. Once in every five years from the first day of January, eighteen hundred and forty-five, each County Clerk for the time being shall cause the said standards in his keeping to be tried, proved and sealed by the State standards, under the direction of the State Treasurer.

When County
Standard to be
procured by
Treasurer.

(1246.) SEC. 6. If the Board of Supervisors of any county which has not heretofore provided such standards, shall neglect for six months to provide the same, and cause them to be tried and proved, and sealed as aforesaid, and delivered to the clerk of the county, it shall be the duty of the clerk to notify the County Treasurer of such neglect, and such County Treasurer shall immediately provide such standards, and cause the same to be tried, proved, sealed, and deposited as aforesaid, at the expense of his county.

Standard for each
Township, how
procured, etc.

(1247.) SEC. 7. The Township Board of each township shall procure to be made and provided, when it shall not heretofore have been done, for the use, and at the expense of the township, a complete set of weights and measures, and scales and beams, in conformity with the standards kept by the clerk of the county, which shall be tried, proved and sealed, and certified by the County Clerk, by the standards remaining in his office, and such weights and measures, scales and beams, so tried, sealed and certified, shall be delivered to, and kept by the clerk of the township, as standards for the township; such township standards to be made of such suitable materials as the Township Board shall direct; and the said board shall also provide a seal similar to the State seal, to be kept by the Township Clerk.

(1248.) SEC. 8. The Township Clerk of each township shall <sup>Township Sealer,
his duty.</sup> be the Sealer of weights and measures therein, and shall have the care and custody of the standard weights and measures of his Township, and shall seal weights and measures, scales and beams, used within his township, after having tried and proved them by the township standards.

(1249.) SEC. 9. The clerk of each township shall, once in ^{the} each year, some time in the month of April, put up a written notice in three of the most public places in the township, stating therein the time and place when and where he will attend such of the inhabitants as live within the limits described in the several notices aforesaid, and seal all such of their great and small scales, beams, weights and measures, as are found to be accurate, and as they shall bring for that purpose.

(1250.) SEC. 10. The Township Clerk shall be entitled to <sup>Compensation of
Township Clerk.</sup> demand and receive from the person from whom the service is rendered, for trying, proving, and sealing as aforesaid, three cents for each scale, beam, weight or measure found not to be conformable thereto, and two cents for each scale, beam, weight or measure found to be conformable thereto.

(1251.) SEC. 11. The Township Clerk shall go, once in every <sup>When Clerk to go
to Stores, etc.,
and try Weights
and Measures.</sup> year, to the houses, stores and shops of such merchants, traders, retailers of spirituous liquors, and of such other of the inhabitants of the township, using scales, beams, weights and measures, for the purpose of buying and selling, as shall neglect to bring or send in their scales, beams, weights, and measures, and he shall there try, prove, and seal them.

(1252.) SEC. 12. For the services required in the last pre- <sup>Double Fees,
when to be paid.</sup> ceding section, the Township Clerk shall be entitled to demand and receive of such merchants, or other persons, double the fees hereinbefore provided for the like services, together with four cents for every mile he shall necessarily travel for that purpose, going out and returning home.

(1253.) SEC. 13. The County Clerk shall be entitled to <sup>Fees of County
Clerk, for Sealing,
etc.</sup> receive from each Township Clerk a fee of three cents, for the first sealing of every weight, measure, scale, or beam, and two cents for every subsequent sealing of the same.

(1254.) SEC. 14. If the Township Board of any township, <sup>When Township
Clerk to procure
Standard.</sup> after notice to them that the standard of weights and measures for the county have been deposited with the County Clerk, shall neglect, for the space of six months, to provide standard weights and measures for their township, as above directed, it

shall be the duty of the Township Clerk forthwith thereafter to procure the same at the expense of the township.

Penalty on Sealer
for neglect, etc.

(1255.) SEC. 15. If any Sealer of weights and measures shall neglect to perform his duty, as prescribed in this chapter, he shall forfeit, for each neglect, the sum of five dollars.

Vibrating Steel-
yard.

(1256.) SEC. 16. The vibrating steelyards, which have heretofore been allowed and used in this State, may continue to be used; but each beam, and the poises thereof, shall be annually tried, proved, and sealed, by a Sealer of weights and Measures, like other beams and weights.

Construction of
certain contracts.

(1257.) SEC. 17. When any commodity shall be sold by the hundred weight, it shall be understood to mean the nett weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

Weight of Grains,
etc., to the
Bushel.

(1258.) SEC. 18. Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, or dried peaches, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: Sixty pounds for a bushel of wheat, or clover seed; fifty-six pounds for a bushel of rye, or Indian corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; and forty-two pounds for a bushel of buckwheat; and twenty-eight pounds for a bushel of dried apples, or dried peaches.

1839, p. 218, Sec.
9.

Measure for
Charcoal, etc.

(1259.) SEC. 19. The half bushel, and the parts thereof, shall be the standard measure for charcoal, fruits, and other commodities, customarily sold by heaped measure; and in measuring such commodities, the half bushel, or other smaller measure, shall be heaped as high as may be, without especial effort or design.

CHAPTER XXXI.

OF BILLS OF EXCHANGE AND PROMISSORY NOTES.

SECTION

1260. What Notes negotiable.
 1261. Note signed by Agent.
 1262. Actions by payees, etc.
 1263. Effect, when payable to order of maker or fictitious person.
 1264. When grace allowed.

SECTION

1265. Not if payable on demand.
 1266. Acceptance to be in writing.
 1267. Rates of Exchange and Damages, when payable without the United States.
 1268. When payable in another State of the United States.

Chapter Thirty-Two of Revised Statutes of 1846.

R. S. of N. Y.,
 Title 2, Chap. 4,
 Part. 2.

(1260.) SECTION 1. All notes in writing, made and signed by any person, whereby he shall promise to pay to any other person or his order, or to the order of any other person, or unto the bearer, any sum of money therein mentioned, shall be due and payable as therein expressed; and shall have the same effect, and be negotiable in like manner, as inland bills of exchange, according to the custom of merchants.

7 Metcalf, 532.
 2 Hill, 59.
 5 Cowen, 182.
 28 Wendell, 72.
 8 Comstock, 12.

(1261.) SEC. 2. Every note signed by the agent of any person under a general or special authority, shall bind such person, and have the same effect, and be negotiable, as provided in the preceding section.

Note signed by
 Agent.

(1262.) SEC. 3. The payees and indorsees of every such note payable to them or their order, and the holders of every such note payable to bearer, may maintain actions for the sums of money therein mentioned, in like manner as in cases of inland bills of exchange, and not otherwise.

Actions by pay-
 ees, etc.

(1263.) SEC. 4. Such notes made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect, and be of the same validity as against the maker, and all persons having knowledge of the facts, as if payable to bearer.

Effect, when pay-
 able to order of
 maker or ficti-
 tious person.
 3 Hill, 112.
 2 Sandf. & C. R.
 138.

(1264.) SEC. 5. On all bills of exchange payable at sight, or

When grace allowed. at a future day certain, within this State, and on all negotiable promissory notes, orders and drafts payable at a future day certain, within this State, in which there is not an express stipulation to the contrary, grace shall be allowed, except as provided in the following section, in like manner as it is allowed by the custom of merchants, on foreign bills of exchange, payable at the expiration of a certain period after date or sight.

3 Hill, 174.
4 Metcalf, 203.
6 do 13.

Not if payable on demand. (1265.) SEC. 6. The provisions of the last preceding section shall not extend to any bill of exchange, note or draft payable on demand.

Acceptance to be in writing.
1 Hill, 82.
2 Sandf. S. C. R. 323.

(1266.) SEC. 7. No person within this State shall be charged as an acceptor on a bill of exchange, unless his acceptance shall be in writing, signed by himself or his lawful agent.

Rates of Exchange and damages, when payable without the United States.

(1267.) SEC. 8. Whenever any bill of exchange, drawn or indorsed within this State, and payable without the limits of the United States, shall be duly protested for non-acceptance or non-payment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand, and damages at the rate of five per cent. upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of contents, damages and interest, shall be in full of all damages, charges and expenses.

When payable in another State of the U. States.

(1268.) SEC. 9. The rates of damages to be allowed upon bills of exchange duly protested for non-acceptance or non-payment, if drawn or endorsed within this State, payable at any place without this State, but within the United States, shall be as follows, in addition to the contents of such bill with interest and costs, that is to say: upon all such bills payable within the territory of Wisconsin, or either of the States of Illinois, Indiana, Pennsylvania, Ohio or New York, three per cent. on the contents of the bill; if payable within either of the States of Missouri, Kentucky, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, or the District of Columbia, five per cent., and if payable elsewhere, within any other of the United States or territories thereof, ten per cent.

CHAPTER XXXII.

OF LIMITED PARTNERSHIPS.

SECTION

1269. For what purposes Limited Partnerships may be formed.

1270. Liabilities of General and Special Partners.

1271. By whom Business to be transacted.

1272. Certificate, its contents.

1273. How Certificate to be acknowledged.

1274. Certificate to be Filed and Recorded.

1275. When Certificate to be Filed and Recorded in different Counties.

1276. Affidavit to be filed with Certificate.

1277. Consequences of False Certificates.

SECTION

1278. Terms of Partnership to be published.

1279. Affidavit of publication may be filed, etc.

1280. Renewals, etc., of Partnership.

1281. Alteration to be deemed a Dissolution, etc.

1282. Names composing Firm.

1283. Capital Stock not to be withdrawn, etc.

1284. When Assignment invalid.

1285. Provisions relative to Assignment, etc.

1286. Suits, how Prosecuted.

1287. Dissolution of Limited Partnerships.

1288. Rights and Liabilities of Partners.

Chapter Thirty-Three of Revised Statutes of 1846.

(1269.) SECTION 1. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities hereinafter provided; but nothing in this chapter contained shall be construed to authorize any such partnership for the purposes of banking or insurances.

For what purposes Limited Partnerships may be formed.

(1270.) SEC. 2. Limited partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners now are by law, and of one or more persons who shall contribute a specific amount of capital, in cash or other property, at cash value, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the amount of the fund so contributed by them respectively to the capital, except as hereinafter provided.

Liabilities of General and Special Partners.

By whom Business to be transacted.

(1271.) SEC. 3. The general partners only shall be authorized to transact business, to sign for the partnership, and to bind the same.

Certificate, its contents.

(1272.) SEC. 4. The persons desirous of forming such partnership, shall make and severally sign a certificate, which shall contain :

1. The name or firm under which the partnership business is to be conducted :

2. The general nature of the business to be transacted ;

3. The names of all the general and special partners interested therein, distinguishing which are general partners, and which are special partners, and their respective places of residence ;

4. The amount of capital stock which each special partner shall have contributed to the common stock ;

5. The period at which the partnership is to commence, and the period when it will terminate.

How Certificate to be acknowledged.

(1273.) SEC. 5. Such certificate shall be acknowledged by the several persons signing the same, before some officer authorized by law to take the acknowledgment of deeds, and such acknowledgment shall be made and certified in the manner provided by law for the acknowledgment of deeds for the conveyance of land.

Certificate to be filed and recorded.

(1274.) SEC. 6. The certificate so acknowledged and certified shall be filed in the office of the County Clerk of the county in which the principal place of business of the partnership shall be situated, and shall be recorded at length by the clerk in a book to be kept by him ; and such book shall be subject, at all reasonable hours, to the inspection of all persons.

When Certificate to be filed and recorded in different Counties.

(1275.) SEC. 7. If the partnership shall have places of business situated in different counties, a transcript of such certificate, and of the acknowledgment thereof, duly signed by the clerk in whose office it shall have been filed, under his official seal, shall be filed and recorded in like manner, in the office of the clerk of every such county, and the books containing such records shall be subject to inspection, in the manner above directed.

Affidavit to be filed with Certificate.

(1276.) SEC. 8. At the time of filing the original certificate and the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating that the amount in money, or other property at cash value, specified in the certificate to have been contributed by each of the special partners to the com-

mon stock, has been actually, and in good faith, contributed and applied to the same.

(1277.) SEC. 9. No such partnership shall be deemed to have been formed, until such certificate, acknowledgment and affidavit shall have been filed as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

Consequences of False Certificate, etc.

(1278.) SEC. 10. The partners shall publish the terms of the partnership, when recorded, for at least six weeks immediately after the recording thereof, in two newspapers to be designated by the clerk of the county in which such record shall be made, and to be published in a Senatorial district in which their business shall be carried on; and if such publication be not made, the partnership shall be deemed general.

Terms of Partnership to be published.

(1279.) SEC. 11. Affidavits of the publication of such notices by the printers of the newspapers in which the same have been published, or some one in their employ knowing of such publication, may be filed with the clerk directing the same, and shall be evidence of the facts therein contained.

Affidavit of publication may be filed, etc.

(1280.) SEC. 12. Upon the renewal or continuance of a limited partnership, beyond the time originally agreed upon for its duration, a certificate shall be made, acknowledged, recorded and published, in the like manner as is provided in this chapter for the formation of limited partnerships; and the affidavit of one or more of the general partners as above provided, shall also be filed with the proper County Clerk as aforesaid; and every such partnership, so continued, which shall not be renewed or continued in conformity with the provisions of this section, shall be deemed a general partnership.

Renewal, etc., of Partnership.

(1281.) SEC. 13. Every alteration which shall be made in the names of the partners, the nature of the business, in the capital, or in the shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of such limited partnership, and every such partnership which shall in any way be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last preceding section.

Alteration to be deemed a Dissolution, etc.

(1282.) SEC. 14. The business of the partnership shall be carried on under a firm, in which the names of the general partners only shall be inserted, without the addition of the word "Company," or any other general term; and if the name

Names composing Firm.

of any special partner shall be used in said firm, with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership, with any person except the general partners, he shall be deemed and treated as a general partner.

Capital Stock not to be withdrawn, etc.

(1283.) SEC. 15. During the continuance of the partnership under the provisions of this chapter, no part of the capital stock thereof shall be withdrawn, nor any division of interest or profits be made, so as to reduce said capital stock below the sum stated in the certificate above mentioned ; and if, at any time during the continuance, or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them received, withdrawn or divided, with interest thereon from the time when they were so withdrawn or divided respectively.

When Assignment invalid.

(1284.) SEC. 16. No general assignment by such partnership, of its property or effects, in case of insolvency, or where their goods and estates are insufficient for the payment of all their debts, shall be valid, unless it shall provide for the distribution of all the partnership property and effects among all the creditors, in proportion to the amount of their several claims ; excepting claims of the United States, arising from bonds on duties which are first to be paid or secured.

Provisions relative to Assignment, etc.

(1285.) SEC. 17. In case of an assignment, as provided for in the last preceding section, the assent of the creditors shall be presumed, unless they shall, within sixty days after notice thereof, dissent, either expressly, or by some act clearly implying such dissent ; and no such assignment shall be valid, unless notice thereof shall be published in some newspaper printed in the county where the place of business of the parties making it is situated, or if no newspaper be printed in such county, then in some newspaper printed in an adjoining county, or at the Seat of Government, within fourteen days after making such assignment.

Suits, how Prosecuted.

(1286.) SEC. 18. All suits respecting the business of such partnership shall be prosecuted by, and against the general partners only, except in those cases in which provision is made in this chapter that the special partners shall be deemed general partners, and that special partnerships shall be deemed general partnerships, in which cases all the partners, deemed general partners, may join, or be joined in such suits : and excepting also those cases where special partners shall be held

severally responsible on account of any sums by them received, or withdrawn from the common stock, as above provided.

(1287.) SEC. 19. No dissolution of a limited partnership shall take place, except by operation of law, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the Registry in which such certificate, or the certificate of renewal, or continuance of the partnership, was recorded, and in every other Registry where a copy of such certificate was recorded; and unless such notice shall also be published six weeks successively in some newspaper printed in the county where the certificate of the formation of such partnership was recorded; or if no newspaper shall, at the time of such dissolution, be printed in such county, then in some newspaper printed at the Seat of Government.

(1288.) SEC. 20. In all cases not otherwise provided for in this chapter, the members of limited partnerships shall be subject to all the liabilities, and entitled to all the rights of general partners.

CHAPTER XXXIII.

OF PRIVATE ASSOCIATIONS AND PARTNERSHIPS
FOR MINING AND MANUFACTURING PURPOSES.

SECTION

1289. Persons may Associate for Mining and Manufacturing Purposes; Articles of Association.
1290. Powers of Associations; How Conveyances, etc., to be executed by.
1291. Trustees to manage Affairs of Company; Yearly Statement to be filed.
1292. When no Election of Trustees, Partnership not Dissolved.
1293. Capital Stock.
1294. By-Laws of Association.
1295. Stock deemed Personal Estate; Transfer of Stock.
1296. Company not Dissolved by death of Stockholder, or transfer of Stock.

SECTION

1297. Action by and against.
1298. Certified copy Articles of Association and By-Laws to be evidence.
1299. Act subject to repeal; Company not to be a Corporation.
1300. Business to be carried on within the State.
1301. Specific Tax on Company.
1302. How Assessment made.
1303. Forfeiture for neglect to comply with Provisions of Act.
1304. Daily account of Debts and Payments to be kept.

An Act to Regulate Private Associations and Partnerships.

[Approved May 18, 1846. Laws of 1846, p. 265.]

Persons may Associate for Mining and Manufacturing purposes.

(1289.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any five or more persons who shall be desirous of uniting in a partnership or Association for the purpose of mining and manufacturing iron, copper, or other materials, in any form, within the limits of this State, or for the purpose of making from the ore any kind of metal, in any form, or mining for ores of any kind from which metal is, or may be extracted, may make, sign and acknowledge before a Judge of any Court of Record in this State, or a Master in Chancery, or Justice of the Peace, and file in the office of the Secretary of this State, and in the office of the Register of the county where the operations of the Company are intended to be conducted, if organized, and

Articles of Association.

if not, then in the office of the Register of the county to which it may be attached for judicial purposes; and if it be not so attached, then in the office of the Register of the nearest organized county in this State, articles of agreement and copartnership in writing, in which shall be stated the name which they may agree upon for the said partnership or Association, and the objects for which it is formed; the period of its continuance; the amount of capital stock; the number of shares of which the said stock shall consist; the number of Trustees and their names, and who shall manage its concerns the first year; and the names of the township and county in which the operations of said Association or partnership are to be carried on.

(1290.) SEC. 2. As soon as such certificate and articles shall be filed as aforesaid, the persons who shall have signed and acknowledged the same, and their assigns for such time as they may agree upon, not exceeding twenty-five years next after the day of filing such articles of agreement and copartnership, and for the more convenient transaction of their business by the copartnership name, as stated in such agreement, shall in law be capable of buying, purchasing, holding, conveying, selling and transferring any lands, tenements, hereditaments, goods, wares and merchandise whatsoever, necessary to enable them to carry on their operations mentioned in said articles: *Provided*, That in all conveyances, assignments, deeds, or other transfers of property by said Association or Company, the instruments of conveyance shall be signed by the said Secretary and a majority of the Trustees thereof, and acknowledged before some officer qualified to take proof and acknowledgment of deeds and other conveyances.

Powers of Associations.

How conveyances, etc., to be executed by.

(1291.) SEC. 3. The stock, property, affairs and concerns of such Company shall be managed and conducted by Trustees, a majority of whom shall be permanent residents of this State; they shall be elected at such time and place, and in such manner as shall be directed by the by-laws of the same: said Trustees shall choose one of their number President, and appoint a Secretary, one of whom shall be a permanent resident of this State; and whenever any vacancy shall happen among the Trustees, by death, resignation, or removal out of the State, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the Association: *Provided, always*, That the number of

Trustees to manage affairs of Company.

Trustees shall not exceed nine, and they shall be members of the Company, and stockholders in the same.

Yearly statement
to be filed.

SEC. 4. Each Company organized under this act shall, during the month of January in each year, make and file under the oath of the President or a director thereof, in the office of the Secretary of State, a statement of the names and number of shares held by each, and the places of residence, if known, of all the stockholders or shareholders in such Company, on the first day of said month of January.

When no election
of Trustees, Part-
nership not Dis-
solved.

(1292.) SEC. 5. In case it shall at any time happen that an election of Trustees be not made on the day when by the by-laws it ought to have been done, the said partnership for that cause shall not be dissolved; but it shall and may be lawful on any other day to hold an election for Trustees, in such manner as shall be directed by the by-laws.

Capital Stock.

(1293.) SEC. 6. The capital stock of such Company shall not exceed one hundred thousand dollars; and it shall be lawful for the Trustees to call upon and demand from the stockholders respectively, all such sums of money by them subscribed, at such time, and in such portions as they shall deem proper, under pain of forfeiting the shares of said stockholders and all previous payments made thereon, and all their interest in the partnership property, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published in such newspaper as aforesaid.

By-Laws of As-
sociation.

(1294.) SEC. 7. The stockholders for the time being shall have power to make and prescribe, and from time to time to alter such by-laws, rules and regulations as they shall deem proper, respecting the management and disposition of the stock, property and estate, real, personal and mixed, of said Association or Company, the duties and powers of the officers, artificers and servants by them to be employed; the election of Trustees, and all such matters as appertain to the concerns of said Company, not inconsistent with the Constitution and laws of this State or the United States; which said by-laws, when filed in the office of the Secretary of State and published, shall be deemed and taken to be a part and parcel of the articles of copartnership and association; and it shall not be lawful for such Company to use their funds, or any part thereof, in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock

of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in such instruments as aforesaid: *Provided*, That such by-laws shall not authorize the incurring of debts, liabilities or loans, exceeding in the aggregate one half of the capital stock of the Company paid in.

(1295.) SEC. 8. The stock of said copartnership or Association shall be deemed personal estate, and transferable in such manner, and with such limitations and conditions, as shall be prescribed by the articles of the Association; but no transfer of any share or shares of said stock, except by operation of law, shall be binding or valid, unless assented to by the members, or some officer or agent of said Association, in some mode to be prescribed by the articles or by-laws, and unless a minute and registry of the same shall be made in a book kept for that purpose by the Secretary, which book shall be at all times subject to inspection, by any creditor of said Company, or person interested in the same. And the Secretary shall at any time, on reasonable request, furnish to any creditor or person interested, a written list or statement of the stockholders in said Company.

(1296.) SEC. 9. Said Company shall not be dissolved by the death of any of its stockholders, or by the transfer by operation of law, of the interest of any stockholder; but in all such cases any person becoming entitled to such stock shall be admitted a member of such Company, and shall have the same rights, and be subject to the same liabilities as attached to the owner of said stock up to the time when his interest in the same ceased.

(1297.) SEC. 10. All actions and suits at law and in equity, to be commenced or instituted on behalf of the Company or copartnership, shall be commenced or instituted in the name of the President for the time being, or in the name of the person acting or officiating as such, or in the name of any one Trustee for the time being, for that purpose to be appointed as the nominal plaintiff or petitioner in behalf of the Company. All actions and suits at law or in equity, to be commenced or instituted against the Company or copartnership, shall be commenced or instituted against the President for the time being of the Company, or the person acting or officiating as such, or against any one Trustee of the Company as the nominal defendant on behalf of the Company, and process served upon either of the above shall be deemed service on the Company. It shall be lawful and sufficient to state the name of the President for the time being, or of the person acting or officiating as such,

or of any one Trustee of the Company so appointed as aforesaid, and to describe him as such President or Trustee of such Company, without naming the individual members and copartners or stockholders; and the death, resignation, removal, or any act of such President, or of any Trustee so appointed, shall not abate or prejudice any such action, suit, or other proceeding commenced against, or by, or on behalf of the Company. In all actions and suits against the Company, a service of process on the President for the time being, or the person acting or officiating as such, or on any Trustee, shall be deemed a service on said Company. The decrees and orders of a Court of Equity and judgments at law in suits commenced and prosecuted as aforesaid, although in form they may be against such President or a Trustee, shall take effect and operate against the property of the Company; and execution upon any such decree or judgment may be issued and levied upon the joint or copartnership property of the Company; and for all debts which shall be due and owing by the copartnership or Company at any time, the persons composing the same at the time when the debts were incurred, shall be individually and personally liable to the amount of the stock held by them, after all the joint property of the said Company within this State shall first have been exhausted by execution against the Association or Company; but the stockholders shall be individually liable for all the debts of said Company, whenever such indebtedness exceeds in the aggregate the amount in proportion to which the same is limited or authorized by this act.

Certified copy
Articles of As-
sociation and By-
Laws to be
evidence.

(1298.) SEC. 11. A copy of any article of agreement, and by-laws filed in pursuance of this act, and certified to be a true copy by the Secretary of State, or his deputy, or by the Register of the county where filed, shall, together with this act, be received in all Courts and places, as legal evidence of the formation of such Company and Association, and of all the powers, duties, and liabilities of the members thereof.

Act subject to
Repeal.

(1299.) SEC. 12. The Legislature may alter, amend, or repeal this act, or dissolve any Association organized under the provisions of this act; and nothing herein contained shall tend, or be deemed, construed, or taken to incorporate the said Company or copartnership, or to relieve or discharge the said Company or copartnership, or any of the members thereof, or subscribers to the said undertaking, from any responsibility, duties, contracts, or obligations whatsoever, which, by law they are now, or at any time hereafter shall be subject, or

Company not to
be a Corporation.

liable to, between the said Company or copartnership and others, or between the individual members of the said Company or corporation, or any of them, and others, or among themselves, or in any other manner whatsoever, except so far as the same are effected by the provisions of this act, and the true intent and meaning thereof.

(1300.) SEC. 13. Every Association formed under the provisions of this act, for mining operations within this State, which shall engage in the business of crushing, cleansing, separating and smelting the ores and products of any mine, for the reduction thereof to a convenient marketable shape, shall conduct and carry on the said business of crushing, cleansing, separating and smelting any such ores, wholly within the limits and jurisdiction of this State at all times after the lapse of three years from the passage of this act.

Business to be carried on within the State.

(1301.) SEC. 14. Every Association formed for mining purposes under the provisions of this act, shall be subject to the payment of a specific State tax of four per cent., to be in lieu of all other taxes, and to be levied and collected upon all ores, and the products of all mines opened and worked by any such Association within the limits of this State, excepting iron and the product of iron mines, which shall be subject to a specific State tax of two per cent. in lieu of all other taxes, to be collected as aforesaid. Such specific State tax shall be in all cases assessed upon the average yield and value of such ores after the same are smelted, if smelted within this State, but if not smelted within this State, then the said tax shall be paid before such ores are removed from the premises where they are raised.

Specific Tax on Company.

(1302.) SEC. 15. Such assessment may hereafter be made upon the actual yield and product of any such mine, for the year next preceding, upon a statement thereof verified by the oath of the person having constant charge of the working of any such mine: *Provided*, That the Governor of the State may hereafter appoint, under the direction of the Legislature, a resident agent to superintend the assessment and collection of such tax under the provisions of law therefor.

How Assessment made.

(1303.) SEC. 16. Any Association formed under the provisions of this act, for any neglect or refusal to comply with the requirements of the three preceding sections, shall forfeit all rights acquired under the provisions of this act.

Forfeiture for neglect to comply with provisions of Act.

(1304.) SEC. 17. Every Company formed under the provisions of this act, shall keep in a proper book, to be approved

Daily account of Debts and Payments to be kept.

priated for that purpose exclusively, an accurate daily account of the debts and indebtedness of said Company ; the dates or times when the same were created or accrued ; for what and to whom the same were made or incurred, and if any, what bond, note, bill or security has been executed or given for, or to secure the payment thereof ; and such Company shall keep a like daily account of all moneys, debts and indebtedness disbursed, paid or cancelled by such Company, and when paid, and to whom, and if for a debt or indebtedness of the Company, the time or times when the same, and the respective portions thereof, were incurred or created ; and any creditor of said Company whose demand is past due, may, upon demand therefor made, inspect and examine either or both of the aforesaid books of said Company ; and in case such Company is sued in any Court of Record of the county in which the business of said Company is conducted, such Court may, upon cause shown, order either or both of the books aforesaid to be produced in open Court for inspection, and enforce obedience to such order by attachment or otherwise.

SEC. 18. This act shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

OF THE CONSTRUCTION OF LINES OF TELEGRAPH
BY INDIVIDUALS AND ASSOCIATIONS.

SECTION

1305. Who may construct Line.

1306. What Intelligence shall have precedence.

1307. Annual Tax.

1308. Lien of the State for Taxes.

SECTION

1309. Penalty for willful injury to Line.

1310. Act may be altered or repealed.

1311. Associations for the construction of Lines
of Telegraph.

An Act Authorizing any Persons to Construct Lines of Electric Telegraph in the State of
Michigan.

[Approved January 28, 1847. Laws of 1847, p. 4.]

(1305.) SECTION 1. *Be it enacted by the Senate and House of* <sup>Who may con-
struct Line.</sup> *Representatives of the State of Michigan,* That any person or persons may be, and they are hereby authorized to construct and maintain lines of Electric Telegraph, together with all necessary fixtures appurtenant thereto, from point to point, upon and along any of the public roads or highways, or railroads, and across any of the waters or bridges within the limits of this State, or upon the land of any individual, the owners of the land through which said Telegraphic Lines may pass having first given their consent: *Provided,* That the same shall not in any instance be so constructed as to incommode the public in the use of said roads, or highways and bridges, or endanger, or injuriously interrupt the navigation of said waters. (a)

(1306.) SEC. 2. At every Telegraphic office, established for <sup>What intelligence
shall have precedence.</sup> the purpose of communicating intelligence on any of the lines constructed by virtue of the provisions contained in the foregoing section, communications received for the transmission

of intelligence, upon any of said lines, shall have precedence in the order in which they are received, and be communicated accordingly ; and any violation of the provisions of this section by any officer, person or persons having charge of, or employed in conducting or transacting the business of said office, shall be punished by fine, not exceeding one thousand dollars, or by imprisonment, not exceeding one year, or by both, at the discretion of the Court having cognizance of the same.

Annual Tax.

(1307.) SEC. 3. The owner or owners of any Telegraphic Line, constructed under the provisions of this act, shall pay to the State an annual tax of twenty-five cents upon every mile in length so constructed, in lieu of all other taxes, which shall be paid in the last week in January in each year, to the State Treasury.

**Lien of the State
for Taxes.**

(1308.) SEC. 4. The State shall have a lien upon any line constructed as aforesaid, and its appurtenances, for all taxes which may accrue thereon to the State, by virtue of the provisions of the foregoing section ; and in case the tax, or any part thereof, shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the City of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax, and interest and charges of sale : *Provided*, The same shall not be paid before the time of sale ; and the surplus money, if any, shall be paid to the owner or owners of such line.

**Penalty for will-
ful injury to Line.**

(1309.) SEC. 5. Any person or persons who shall knowingly or wilfully injure, molest or destroy, any of said lines or appurtenances belonging thereto, and any person who shall counsel or advise the injury, molestation or destruction of any of said lines or appurtenances thereto belonging, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the Court having cognizance thereof.

**Act may be alter-
ed or repealed.**

(1310.) SEC. 6. The Legislature may at any time alter, modify or repeal this act, and the same shall take effect and be in force from and after its passage.

An Act authorising any Five or more Persons to form Associations or Companies for the purpose of Constructing any Line or Lines of Electric Telegraph in the State of Michigan.

[Approved March 5, 1847. Laws of 1847, p. 41.

(1311.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any five or more persons, who shall form an Association or Company, for the purpose of constructing and using any line or lines of Telegraph in this State, or commencing in this State and terminating elsewhere, shall be entitled to all the benefits, privileges and immunities, and subject to all the pains, penalties and liabilities, contained in an act entitled, "An Act to regulate Private Associations and Partnerships;" approved eighteenth day of May, one thousand eight hundred and forty-six, so far as the provisions of that act are consistent with the purposes of such Associations or Companies, and not inconsistent with the provisions of an act entitled, "An Act authorizing any persons to construct Lines of Electric Telegraph in the State of Michigan," approved the twenty-eighth day of January, one thousand eight hundred and forty-seven.

Associations for
the Construction
of Lines of
Telegraph.

Laws of 1846, p.
265.
See Chapter 38.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXV.

OF MONEY OF ACCOUNT, AND OF THE INTEREST
OF MONEY, AND ON JUDGMENTS, VERDICTS, ETC.

SECTION

1312. Money of Account.

1313. Notes, etc., expressed in other Money of
Account to be reduced to Dollars, etc.1314. Rate of Interest; What rate parties may
stipulate for.

SECTION

1315. Usury, and the Penalty therefor.

1316. When Usury not to affect negotiable notes,
etc.

1317. Interest on Judgments and Decrees.

1318. Interest on Verdicts, etc.

Chapter Thirty-Four of Revised Statutes of 1846.

Money of Ac-
count.

(1312.) SECTION 1. The money of account of this State, shall be the dollar, cent, and mill; and all accounts in the public offices, and all other public accounts, and all proceedings in Courts, shall be kept and had in conformity with this regulation.

Notes, etc., ex-
pressed in other
money of account
to be reduced to
dollars, etc.

(1313.) SEC. 2. Nothing contained in the preceding section shall vitiate or affect any account, charge or entry, originally made, or any note, bond, or other instrument expressed in any other money or account; but the same shall be reduced to dollars and parts of a dollar, as hereinbefore directed, in any suit thereupon.

INTEREST OF MONEY.

Rate of Interest.

(1314.) SEC. 2. The interest of money shall be at the rate of seven dollars upon one hundred dollars for a year, and at the same

What rate parties
may stipulate
for.

rate for a greater or less sum, and for a longer or shorter time, except that in all cases it shall be lawful for the parties to stipulate in writing for the payment of any rate of interest, not exceeding ten per cent. per annum.

(1315.) SEC. 4. No bond, bill, note, contract or assurance, ^{Usury, and the Penalty therefor.} made or given for, or upon a consideration or contract, whereby or whereon a greater rate of interest has been, directly or indirectly, reserved, taken or received, than is allowed by law, shall be thereby rendered void; but in any action brought by any person on such usurious contract or assurance, except as is provided in the following section, if it shall appear that a greater rate of interest has been, directly or indirectly reserved, taken or received, than is allowed by law, the plaintiff shall have judgment for the principal and legal interest only, exclusive of the usury. ^{1843, p. 54. Wal. Ch. R. 529.}

(1316.) SEC. 5. In any action brought on any bill of exchange, or promissory note payable in money, and to order or bearer, originally given or made for, or upon any usurious consideration or contract, if it shall appear that the plaintiff became, in good faith, the indorsee or holder of such bill of exchange or promissory note, for a valuable consideration, before the same became due, then and in such case, unless it shall further appear that the plaintiff, at the time of becoming such indorsee or holder, had actual notice that such bill or note was given for, or upon a usurious consideration or contract, he shall be entitled to recover thereon, in the same manner, and to the same extent, as if such usury had not been alleged and proved. ^{When Usury not to affect negotiable notes, etc.}

(a)

INTEREST ON JUDGMENTS, VERDICTS, ETC.

(1317.) SEC. 6. Interest may be allowed and received upon all judgments at law, for the recovery of any sums of money, ^{Interest on Judgments and Decrees.} and upon all decrees in Chancery for the payment of any sums of money, whatever may be the form or cause of action or suit in which such judgment or decree shall be rendered or made; and such interest may be collected on execution, at the rate of seven per centum per annum: *Provided*, That on a judgment rendered on any written instrument, having a different rate, the interest shall be computed at the rate specified in such instrument, not exceeding ten per centum. (b)

(a) For former Statutes relative to the rate of Interest and Usury, see Code of 1820, p. 292; Revision of 1827, p. 257; Laws of 1829, p. 52; Revision of 1833, p. 343; Revised Statutes of 1838, p. 160; Laws of 1843, p. 54.

(b) As Amended by an Act to Amend Section Six, Chapter Thirty Four, Title Six, of the Revised Statutes of 1846. (Approved February 10, 1855. Took effect May 16, 1855. Laws of 1856, p. 131.)

Interest on Verdicts, etc.

(1318.) SEC. 7. In all actions founded on contracts express or implied, whenever in the execution thereof any amount in money shall be liquidated or ascertained in favor of either party, by verdict, report of referees, award of arbitrators, or by any other mode of assessment according to law, it shall be lawful, unless such verdict, report, award, or assessment shall be set aside, to allow and receive interest upon such amount so ascertained or liquidated, until payment thereof, or until judgment shall be thereupon rendered; and in making up and recording such judgment, the interest on such amount shall be added thereto, and included in the judgment.

CHAPTER XXXVI.

OF THE SUPPORT AND REGULATION OF MILLS.

SECTION

- 1319. When Mill may be Repaired, etc., by part of Owners at expense of all.
- 1320. Meeting of Proprietors, how called.
- 1321. Notice, by whom served, and how returned.
- 1322. How Notice to be served.
- 1323. Majority in Interest may take measures to repair, etc.
- 1324. Each Proprietor to pay his proportionate share of expenses.
- 1325. Proprietors advancing Money to have lien on Rents and Profits, or may maintain suit.
- 1326. Guardians to act for Minors, etc.
- 1327. When Husband to act for his Wife.
- 1328. Apportionment of Expenses, in case of Tenant for life, etc.

SECTION

- 1329. Mortgagee in possession, and Mortgagor, how far liable
- 1330. How Moneys advanced may be collected.
- 1331. Contracts between Proprietors not affected by this Chapter.
- 1332. Millers to keep Scales, etc., and weigh Grain, Flour, etc.; Forfeiture for neglect or refusal.

RATES OF TOLL FOR GRINDING.

- 1333. Rates of Toll.
- 1334. Owner, etc., to Grind Grain in due time, and be accountable for safe delivery.
- 1335. Construction of last Section.
- 1336. Liability of Miller in Certain Cases.

Chapter One Hundred and Thirty-Two of Revised Statutes of 1846.

When Mill may be repaired, etc., by part of owners at expense of all.

(1319.) SECTION 1. When any mill which is owned by several persons as joint tenants or tenants in common, or the dam or appurtenances of such mill shall need to be repaired or to be

rebuilt, in whole or in part, and the proprietors shall not all agree to join in repairing or rebuilding the same, the greater part in interest of the proprietors may cause the work to be done at the expense of the whole, in proportion to their respective interests.

(1320.) SEC. 2. Any one or more of the proprietors may, in such case, call a meeting of the whole of them, to be held at the mill, to consult and agree upon the measures to be taken for repairing or rebuilding the same, which meeting shall be called by a written notice, signed by the person who called it, and addressed to each of the other proprietors, expressing that the mill in question needs to be repaired or rebuilt, and that a meeting of the proprietors thereof will be held at the mill, or at some place in the county where the mill is situated, on a certain day and hour mentioned in the notice, to consult and agree upon the measures to be taken for that purpose, and requesting the attendance of the proprietors at such meeting.

(1321.) SEC. 3. The notice may be served by any constable or other disinterested person, and the certificate of such constable, endorsed on a copy of the notice, or the affidavit of such other person, annexed thereto, specifying the several persons, if more than one, on whom he served it, and the time and manner of the service on each, shall be deemed sufficient evidence thereof.

(1322.) SEC. 4. The notice shall be served by delivering the original to the person to whom it is addressed, or by leaving such notice at his dwelling house, or at his last and usual place of abode, not more than thirty days, nor less than seven days before the day appointed for the meeting.

(1323.) SEC. 5. At the meeting so called, or at any adjournment thereof, the greater part in interest of the whole body of the proprietors of the mill, may take measures to cause the mill, or the dam, or appurtenances thereof, to be repaired or rebuilt, as they shall judge most for the interest of all who are concerned therein.

(1324.) SEC. 6. Every proprietor of the mill shall pay his just and equal part of the charge and expense of such repair or rebuilding, in proportion to his share of interest in the mill, which sum shall be paid on demand, after the work is completed, to the proprietors by whom it shall have been advanced, with interest from the time of the advance.

(1325.) SEC. 7. The proprietors who shall advance the money

4 Mass., 559.
11 do 325.

Meeting of Proprietors, how called.

Notice, by whom served, and how returned.

How Notice to be served.

Majority in interest may take measures to repair, etc.

Each Proprietor to pay his proportionate share of expenses.

Proprietors advancing Money to have lien on rents and profits, or may maintain suit.

so expended, shall have a lien therefor on the rents and profits of the mill, and may retain so much thereof as belongs to any proprietor who is indebted to them for such advance, to be applied to the payment of his debt, or they may maintain a suit for such debt, or for as much thereof as shall not be paid out of the rents and profits.

Guardians to act for Minors, etc.

(1326.) SEC. 8. When any proprietor is under guardianship, as a minor or otherwise, his guardian may act for him in calling a meeting of the proprietors, or in attending such a meeting, and may vote for the ward, and may do all such other acts in the premises as the ward could do if competent to act for himself; all which shall be binding on the ward, and on his estate.

When Husband to act for his Wife.

(1327.) SEC. 9. When any part of the mill is held by a married woman, her husband may in like manner represent her, and appear and act for her at such meeting, and his doings shall have the same effect as if they had been done by her before their intermarriage.

Apportionment of Expense, in case of Tenant for life, etc.

(1328.) SEC. 10. When any part of the mill is held by any person as tenant for life, or years, with remainder or reversion to another person, the sum due for repairs and other expenses on that part of the mill shall be apportioned on the tenant for life, or years, and on the remainderman, or reversioner, in proportion to their respective interests in the premises, or as shall be equitable and just; and the party to whom the money shall be due from such remainderman, or reversioner, shall have a lien on the rents and profits belonging to him after his estate shall come into possession, if not sooner paid, notwithstanding any limitation by lapse of time.

Mortgages in possession, and Mortgagor, how far liable.

(1329.) SEC. 11. Every mortgagee in possession shall be considered as a proprietor, for all the purposes of this chapter, but the mortgagor shall also be liable for all sums so due on account of his share of the mill, so far as the same are not recovered of the mortgagee, provided the action therefor is brought against the mortgagor, before his right of redemption is foreclosed; and all sums paid by the mortgagee on such account, shall be considered and allowed between him and the mortgagor, as so much added to the mortgage.

How Moneys advanced may be collected.

(1330.) SEC. 12. All sums due from one proprietor to another, for moneys advanced under the provisions of this chapter, may be recovered in an action of assumpsit; and when two or more proprietors are so indebted, the creditor or creditors may maintain a bill in Chancery against any two or more of

them, in which suit the Court shall determine what amount is due from each of the debtors severally, and shall award execution against each of them accordingly, and shall apportion the amount so recovered among the complainants in such suit, if more than one, according to their respective rights.

(1331.) SEC. 13. Nothing in this chapter shall make void, or in any way affect, any contract or agreement between the proprietors of any mill, as to the repair or rebuilding thereof. Contracts between Proprietors not affected by this Chapter.

(1332.) SEC. 14. Every miller occupying and using a grist mill, shall be provided with scales and weights, or a vibrating steelyard, to weigh corn, grain, flour and meal, delivered at and taken from the mill, if required; and if he shall neglect to keep himself so provided, or shall refuse so to weigh corn; grain, flour, or meal, when required by any person delivering or taking away the same, he shall forfeit, for each neglect or refusal, not less than one dollar, nor more than five dollars. Miller to keep Scales, etc., and weigh Grain, Flour, etc.; Forfeiture for neglect or refusal.

RATES OF TOLL FOR GRINDING.

(1333.) SEC. 15. The toll for grinding and bolting any wheat, rye, or other grain, shall not exceed one tenth part thereof; for grinding, and not bolting, any wheat, rye, or other grain, except Indian corn, the toll shall not exceed one twelfth part thereof; and for grinding, and not bolting, Indian corn, the toll shall not exceed one tenth part thereof. Rates of Toll.

(1334.) SEC. 16. The owner or occupier of any grist mill shall well and sufficiently grind the grain brought to his mill for that purpose in due time, and in the order in which it shall be received, and shall be accountable for the safe keeping of all grain received in such mill for the purpose of being ground therein, and shall deliver the same when ground, or ground and bolted, as the case may be, with the bag or cask in which it was brought, when demanded, but every owner or occupant of a mill may grind his own grain at any time. Owner, etc., to Grind Grain in due time, and be accountable for safe delivery.

(1335.) SEC. 17. Nothing contained in the last section shall be so construed as to charge the owner or occupant of any mill for the loss of any grain, bag or cask, which shall happen, by fire or inevitable accident, without the fault of such owner or occupant, his agents or servants. Construction of last Section.

(1336.) SEC. 18. Every miller, or owner or occupant of a grist mill, who shall not well and sufficiently grind any grain as aforesaid, or not in due time as the same shall be brought, or who shall exact or take more toll than is herein allowed, Liability of Miller in certain cases.

shall, in every such case, be liable to the party injured in the sum of five dollars damages, over and above the actual damages sustained thereby.

TITLE XI .

OF THE PUBLIC HEALTH.

CHAPTER XXXVII. *Of the Preservation of the Public Health; Of Quarantine, Nuisances, and Offensive Trades.*

CHAPTER XXXVIII. *Of the Draining of Swamps, Marshes, and other Low Lands, that Affect Injuriouly the Public Health.*

CHAPTER XXXVII.

OF THE PRESERVATION OF THE PUBLIC HEALTH; QUARANTINE, NUISANCES, AND OFFENSIVE TRADES.

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- 1337. Board of Health.
- 1338. Appointment of Health Officer, his Compensation, etc.
- 1339. Regulations relating to causes of Sickness, etc.
- 1340. Respecting articles capable of conveying Contagion, etc.
- 1341. Respecting Interment of Dead.
- 1342. Board to hold Ground in Trust, etc.
- 1343. Notice of Regulations, how published.
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SECTION

- and destroy, remove, and prevent the same.
- 1345. Proceedings, if Nuisance, etc., found on private property.
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- 1347. Court may order Nuisances removed in certain cases.
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SECTION

1350. Board may permit removal of Infected Articles, etc.
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-QUARANTINE.

1363. Township Quarantine.
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SMALL POX AND OTHER DANGEROUS DISEASES.

1371. Hospitals for reception of persons having Small Pox, etc.
 1372. By whom Hospitals to be regulated, etc.
 1373. Penalty for Inoculating with Small Pox, except at Hospitals.
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OFFENSIVE TRADES.

1382. Places may be assigned for carrying on Offensive Trades.
 1383. When places become a Nuisance, Assignment may be Revoked, etc.
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BOARD OF HEALTH IN CITIES AND VILLAGES.

1385. Who to constitute Board in Cities and Villages.

Chapter Thirty-Five of Revised Statutes of 1846.

(1337.) SECTION 1. The Supervisor and Justices of the Board of Health. Peace of every township, respecting which no other provision is, or shall be made by law, shall be a Board of Health for their respective townships, and the Township Clerk shall be the clerk of such board, and shall keep a record of their proceedings in a book to be provided for that purpose at the expense of the township.

(1338.) SEC. 2. Every Board of Health may appoint a Physician to the board, who shall be the Health Officer of his township, and shall hold his office during their pleasure, and they shall establish his salary, or other compensation, and shall regulate all fees and charges of every person employed by them in the execution of the Health Laws, and of their own regulations.

(1339.) SEC. 3. The Board of Health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, etc.

sickness, within their respective townships, and on board of any vessels in their ports or harbors, as they shall judge necessary for the public health and safety, and if any person shall violate any such regulations, he shall forfeit a sum not exceeding one hundred dollars.

Respecting articles capable of conveying Contagion, etc.

(1340.) SEC. 4. The said board shall also make such regulations as they may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from their township, or into, or from any vessel; and if any person shall violate any such regulation, he shall forfeit a sum not exceeding one hundred dollars.

Respecting Interment of Dead.

(1341.) SEC. 5. The said board shall also make all regulations which they may deem necessary for the interment of the dead, and respecting burying grounds in their township; and it shall also be the duty of said board to purchase in each surveyed township, so much land for burying grounds as shall be necessary for burying the dead of such township.

Board to hold ground in trust, etc.

(1342.) SEC. 6. The Board of Health of the township in which such burying grounds shall be, and their successors in office, shall hold the fee of such land in trust for such township; and they shall keep the same, or so much thereof as shall be necessary, surrounded with a good and substantial fence; the expenses of the purchase of such lands, and of fencing and regulating the same to be certified to the Town Board by the Board of Health, and by the Town Board, provided for as a part of the contingent expenses of the township. (a)

Notice of regulations, how published.

(1343.) SEC. 7. Notice shall be given by the Board of Health of all regulations made by them, by publishing the same in some newspaper of the township, if there be one published therein, and if not, then by posting them up in five public places in such township; and such notice of said regulations shall be deemed legal notice to all persons.

Board to examine into Nuisances, etc., and destroy, remove or prevent the same.

(1344.) SEC. 8. The Board of Health shall examine into all nuisances, sources of filth and causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within their township, or in any vessel within any harbor or

port of such township ; and the same shall destroy, remove, or prevent, as the case may require.

(1345.) SEC. 9. Whenever any such nuisance, source of filth, or cause of sickness, shall be found on private property, the Board of Health shall order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours; and if the owner or occupant shall neglect so to do, he shall forfeit a sum not exceeding one hundred dollars.

Proceedings, if Nuisance, etc., found on private property.

(1346.) SEC. 10. If the owner or occupant shall not comply with such order of the Board of Health, such board may cause the said nuisance, source of filth, or cause of sickness, to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same.

When Nuisance, etc., to be removed by Board at expense of Owner, etc.

(1347.) SEC. 11. Whenever any person shall be convicted, on an indictment for a common nuisance that may be injurious to the public health, the Court may, in its discretion, order it to be removed or destroyed, at the expense of the defendant, under the direction of the Board of Health of the township where the nuisance is found; and the form of the warrant to the Sheriff, or other officer, may be varied accordingly.

Court may order Nuisance removed in certain cases.

(1348.) SEC. 12. Whenever the Board of Health shall think it necessary, for the preservation of the lives or health of the inhabitants, to enter any building or vessel in their township, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, to any Justice of the Peace of his county, whether such Justice be a member of such board or not, stating the facts of the case, so far as he has knowledge thereof.

Proceeding, when admittance of Board to building or vessel is refused.

(1349.) SEC. 13. Such Justice may thereupon issue a warrant, directed to the Sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by any two or more members of said Board of Health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove or prevent, under the direction of such members of the Board of Health.

Ibid.

(1350.) SEC. 14. The Board of Health may grant permits for the removal of any nuisance, infected article, or sick person, within the limits of their township, when they shall think it safe and proper so to do.

Board may permit removal of Infected Articles etc.

Board to make
Provision to
prevent spread
of Small Pox, etc.

(1351.) SEC. 15. When any person coming from abroad, or residing in any township within this State, shall be infected, or shall lately before have been infected with the small pox, or other sickness dangerous to the public health, the Board of Health of the township where such person may be, shall make effectual provision in the manner in which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself, his parents, or other person who may be liable for his support, if able; otherwise, at the charge of the county to which he belongs.

3 Mich. Rep. 475.

Provision in case
Infected Persons
cannot be removed.

(1352.) SEC. 16. If any such infected person cannot be removed without danger to his health, the Board of Health shall make provision for him as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.

Board may re-
strain Travelers
coming from In-
fected Districts.

(1353.) SEC. 17. The Board of Health of any township near to, or bordering upon either of the neighboring States, may appoint, by writing under their hands, suitable persons to attend any places by which travelers may pass, from infected places in other States; and the persons so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by the Board of Health of the township to which such persons may come; and any person coming from such infected place, who shall, without license as aforesaid, travel within this State, unless it be to travel by the most direct way to the State from whence he came, after he shall be cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not exceeding one hundred dollars.

Removal of Per-
sons Infected.

(1354.) SEC. 18. Any two Justices of the Peace may, if need be, make out a warrant under their hands, directed to the Sheriff, or any constable of the county, requiring him, under the direction of the Board of Health, to remove any person infected with contagious sickness, or to take possession of convenient houses and lodgings, and to provide nurses, attend-

ants, and other necessities, for the accommodation, safety, and relief of the sick.

(1355.) SEC. 19. Whenever, on application of the Board of Health, it shall be made to appear to any Justice of the Peace that there is just cause to suspect that any baggage, clothing, or goods of any kind found within the township, are infected with any disease which may be dangerous to the public health, such Justice of the Peace shall, by warrant under his hand, directed to the Sheriff, or any constable of the county, require him to take with him as many men as the said Justice shall deem necessary to secure such baggage, clothing, or other goods, and to post said men as a guard over the house, or place where such baggage, clothing, or other goods shall be lodged, which guard shall take effectual care to prevent any person removing, or coming near to such baggage, clothing, or other goods, until due inquiry be made into the circumstances thereof.

(1356.) SEC. 20. The said Justice may also, by the same warrant, if it shall appear to him necessary, require the said officer, under the direction of the Board of Health, to impress and take up convenient houses or stores, for the safe keeping of such baggage, clothing, or other goods; and the Board of Health may cause them to be removed to such houses or stores, or to be otherwise detained until they shall, in the opinion of said Board of Health, be freed from infection.

(1357.) SEC. 21. Such officer, in the execution of such warrant, shall, if need be, break open any house, shop, or any other place mentioned in said warrant, where such baggage, clothing, or other goods shall be; and he may require such aid as shall be necessary to effect the execution of the warrant; and all persons shall, at the command of any such officer, under a penalty not exceeding ten dollars, assist in the execution of the warrant, if able to do so.

(1358.) SEC. 22. The charges of securing such baggage, clothing, or other goods, and of transporting and purifying the same, shall be paid by the owner or owners thereof, at such rates and prices as shall be determined by the Board of Health.

(1359.) SEC. 23. Whenever the Sheriff or other officer shall take possession of any houses, stores, lodgings, or other necessities, or shall employ any nurse or attendants, as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the county in

which such person or property shall have been so employed or taken possession of.

When Prisoners attacked with Dangerous Disease, may be removed.

(1360.) SEC. 24. Whenever any person confined in any common jail shall be attacked with any disease, which, in the opinion of the Physician of the Board of Health, or of such other physicians as they may consult, shall be considered dangerous to the safety and health of the other prisoners, or of the inhabitants of the township, the Board of Health shall, by their order in writing, direct the removal of such person to some Hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape, until their further orders; and if such prisoner shall recover from the disease, he shall be returned to such jail.

Prisoners removed to be returned, and not to be considered as having escaped.

(1361.) SEC. 25. If the person so removed shall have been committed by order of any Court, or under any judicial process, the order for his removal, or a copy thereof, attested by the presiding member of said Board of Health, shall be returned by him, with the doings thereon, into the office of the Clerk of the Circuit Court for the county; and no prisoner, removed as aforesaid, shall be considered as thereby having committed an escape.

When Superintendents of Poor may remove Paupers from Poor Houses.

(1362.) SEC. 26. Whenever any pestilence or contagious disease shall break out in any County Poor House in this State, or in the vicinity thereof, and the physician to such County Poor House, or such other physician as the Superintendents may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such Poor House, the Superintendents of such County Poor House shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, and there to be maintained and provided for at the expense of the county, with all necessary medical attendance and care, until they can safely be returned to such Poor House, or otherwise discharged.

QUARANTINE.

Township Quarantine.

(1363.) SEC. 27. Any township may establish a Quarantine Ground in any suitable place, either within or without its own limits: *Provided*, that if such place shall be without its limits, the assent of the township within whose limits it may be established shall be first obtained therefor.

(1364.) SEC. 28. Any two or more townships may, at their joint expense, establish a Quarantine Ground for their joint use, either within or without their own limits: *Provided*, that if such place shall be without their limits, they shall first obtain the assent of the township within whose limits the same may be.

(1365.) SEC. 29. The Board of Health in each township in this State bordering upon Lake Michigan, Lake Superior, Lake Huron, Lake St. Clair, or Lake Erie, or upon any of the principal rivers or straits connecting together any of the said lakes, or bordering upon any navigable waters uniting with any of the said lakes, rivers or straits, may from time to time establish the Quarantine to be performed by all vessels arriving within the limits of such townships, and may make such Quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.

(1366.) SEC. 30. The Quarantine regulations so established shall extend to all persons, and all goods and effects, arriving in such vessels, and to all persons who may visit or go on board of the same.

(1367.) SEC. 31. The said Quarantine regulations, after notice shall have been given in the manner before provided in this chapter, shall be observed and complied with by all persons; and any person who shall violate any such regulations, shall forfeit a sum not less than five dollars, and not more than five hundred dollars.

(1368.) SEC. 32. The Board of Health in each township bordering upon any of the lakes, rivers, straits, or other navigable waters hereinbefore mentioned, may at all times cause any vessel arriving within the limits of the township, when such vessel or cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the Quarantine Ground, and to be thoroughly purified, at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in, or going on board of such infected vessel, or handling such infected cargo, to be removed to any Hospital under the care of the said Board of Health, there to remain under their orders.

(1369.) SEC. 33. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or which may have been at, or which may have come from any port or place where any

Quarantine for two or more Townships.

Quarantine in Townships bordering on certain Lakes, Rivers, etc.

Quarantine regulations to extend to persons and goods in vessels.

Penalty for violating Quarantine Regulations.

Vessels in certain cases to be removed to Quarantine Ground, etc.

Master, etc., to answer on Oath in regard to Infections.

infectious disease prevails, that may endanger the public health, shall refuse to answer on oath, to be administered by any member of such board, such questions as may be asked him, relating to such infection or disease, by any member of the Board of Health of the township to which such vessel may come, such master, seaman, or passenger, so refusing, shall forfeit a sum not exceeding two hundred dollars; and in case he shall not pay such sum, he shall suffer six months' imprisonment.

Expenses, by whom to be paid.

(1370.) SEC. 34. All expenses incurred on account of any person, vessel or goods, under any Quarantine regulations, shall be paid by such person, or by the owner of such vessel or goods respectively.

SMALL POX, AND OTHER DANGEROUS DISEASES.

Hospitals for reception of Persons having Small Pox, etc.

(1371.) SEC. 35. The inhabitants of any township may establish within their township, and be constantly provided with, one or more Hospitals for the reception of persons having the small pox, or other disease which may be dangerous to the public health.

By whom Hospitals to be regulated, etc.

(1372.) SEC. 36. All such Hospitals shall be subject to the orders and regulations of the Board of Health, or a committee appointed by such board for that purpose; but no such Hospital shall be established within one hundred rods of any inhabited dwelling house situated in an adjoining township, without the consent of such adjoining township.

Penalty for inoculating with Small Pox, except at Hospitals.

(1373.) SEC. 37. If any person shall inoculate any other person, or inoculate himself, or suffer himself to be inoculated with the small pox, unless at some Hospital licensed and authorized by law, he shall, for each offence, forfeit a sum not exceeding two hundred dollars.

Physicians, etc., to be subject to Regulations of Board, etc.

(1374.) SEC. 38. When any Hospital shall be so established, the physician attending the same, the persons inoculated or sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the Board of Health, or of the committee appointed for that purpose.

When Board of Health to provide Hospital.

(1375.) SEC. 39. When the small pox, or any other disease dangerous to the public health, shall break out in any township,

the Board of Health shall immediately provide such Hospital, or place of reception for the sick and infected, as they shall judge best for their accomodation, and the safety of the inhabitants; and such Hospitals and places of reception shall be subject to the regulations of the Board of Health, in the same manner as hereinbefore provided for established Hospitals.

(1376.) SEC. 40. The Board of Health shall cause such sick or infected persons to be removed to such Hospitals or places of reception, unless the condition of the sick person be such as not to admit of removal without danger of life; in which case the house or place where the sick shall remain, shall be considered as a Hospital to every purpose before mentioned, and all persons residing in, or in any way concerned with the same, shall be subject to the regulations of the Board of Health, as before provided.

When Infected Persons to be removed to Hospital, etc.

(1377.) SEC. 41. When the small pox, or any other disease dangerous to the public health, is found to exist in any township, the Board of Health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travelers, by such means as in their judgment shall be most effectual for the common safety.

Board to prevent the spread of dangerous Disease.

(1378.) SEC. 42. If any physician or other person, in any of the Hospitals or places of reception before mentioned, or who shall attend, approach, or be concerned with the same, shall violate any of the regulations lawfully made in relation thereto, either with respect to himself, or his, or any other person's property, the person so offending shall, for each offence, forfeit a sum not less than ten, nor more than one hundred dollars.

Penalty for violating regulations of Hospitals.

(1379.) SEC. 43. Whenever any householder shall know that any person within his family is taken sick with the small pox, or any other disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health, or to the Health Officer of the township in which he resides; and if he shall refuse or neglect to give such notice, he shall forfeit a sum not exceeding one hundred dollars.

Householders to give Notice of Disease; Penalty for neglect.

(1380.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit, is infected with the small pox, or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the Board of Health, or Health Officer of the township in which such diseased person may be; and every physician who shall refuse or neglect to give such notice, shall forfeit, for each of-

Penalty on Physician neglecting to give Notice.

fence, a sum not less than fifty, nor more than one hundred dollars.

Inoculation with
Cow Pox.

(1381.) SEC. 45. Every township may, at any meeting, make suitable provision for the inoculation of the inhabitants thereof with the cow pox, under the direction of the Board of Health, or the Health Officer of the township, and they shall raise all necessary sums of money to defray the expenses of such inoculation, in the same manner that other township charges are defrayed.

OFFENSIVE TRADES.

Places may be
assigned for
carrying on Of-
fensive Trades.

(1382.) SEC. 46. The Township Board of every township, the President and Trustees, or Council, of every village, and the Mayor and Aldermen of every city, respectively, when they shall judge it necessary, shall, from time to time, assign certain places for the exercising of any trade or employment, offensive to the inhabitants, or dangerous to the public health; and they shall forbid the exercise thereof in places not so assigned; and all such assignments shall be entered in the records of the township, village, or city, and they may be revoked when the said township, village, or city officers may think proper.

When places be-
come a Nuisance,
assignment may
be revoked, etc.

(1383.) SEC. 47. When any place or building so assigned shall become a nuisance by reason of offensive smells or exhalations proceeding therefrom, or shall become otherwise hurtful or dangerous to the neighborhood, or to travelers, and the same shall be made to appear on a trial, or the admission of the person exercising such trade or employment, before the Circuit Court for the County, upon a complaint made by the Board of Health, or by any other person, the said Court may revoke such assignment, and prohibit the further use of such place, or building, for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.

Action on the
case for damages.

(1384.) SEC. 48. Any person injured, either in his comfort, or the enjoyment of his estate, by any such nuisance, may have an action on the case for the damages sustained thereby, in which action the defendants may plead the general issue, and give any special matter in evidence.

BOARDS OF HEALTH IN CITIES AND VILLAGES.

(1385.) SEC. 49. The Mayor and Aldermen of each incorporated city, and the President and Council, or Trustees, of each incorporated village in this State, shall have and exercise all the powers, and perform all the duties of a Board of Health as provided in this chapter, within the limits of the cities or villages respectively of which they are such officers.

Who to constitute Board in Cities and Villages.

CHAPTER XXXVIII.

OF THE DRAINING OF SWAMPS, MARSHES, AND
OTHER LOW LANDS, THAT AFFECT INJURIOUSLY THE PUBLIC HEALTH.

SECTION

- 1386. Owner of Swamp, etc., may apply to Township Board.
- 1387. Determination, Certificate of Board, and application for Summons.
- 1388. Summons to be issued by Justice.
- 1389. Summons to direct Notice to be given to Owner.
- 1390. Summons, how executed.
- 1391. Justice to attend Jury, and administer Oath, etc.
- 1392. Proceedings by Jury.
- 1393. Inquisition of Jury to be certified.
- 1394. Inquisition to be delivered to Justice; Fees of Officers and Jury.
- 1395. When Applicant may enter and open Ditch.
- 1396. Ditch may be cleared and scoured from time to time.
- 1397. Double damages for obstructing or injuring Ditch, etc.
- 1398. Justice to cause Maps to be filed with Township Clerk.
- 1399. Board of Supervisors to appoint Commissioners to superintend Drainage of Lands.

SECTION

- 1400. Oath of Commissioners.
- 1401. Commissioners to make Observations and Surveys for Ditches.
- 1402. To estimate and apportion Expense of Ditches, and cause Maps to be made.
- 1403. To Contract for making Ditches.
- 1404. To make Report to Circuit Court; Notice of presenting Report; Court to amend, set aside, or confirm Report.
- 1405. Copy of Report confirmed to be filed with Auditor General, and laid before Board of Supervisors; Supervisors to cause Expense of Drains to be levied with other Taxes.
- 1406. Return of Lands delinquent for Tax; Sale therefor; Redemption; Deed.
- 1407. Powers of Commissioners to locate and relocate Ditches.
- 1408. And to deepen, widen, and clear out same.
- 1409. Fine for injuring Drain.
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SECTION

1411. Compensation of Commissioners.
 1412. When orders may draw interest.
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SECTION

1415. Mils at Sale may be paid in Warrants drawn under this Act.
 1416. Annual Report of Commissioners.
 1417. Powers of Boards of Supervisors with respect to Commissioners and Drains.

Chapter One Hundred and Thirty-One of the Revised Statutes of 1846.

OF THE DRAINING OF SWAMPS AND OTHER LOW LANDS.

Owner of Swamp,
 etc., may apply
 to Township
 Board.
 1839, p. 153.

(1386.) SECTION 1. Any person owning or possessing any swamp, marsh, or other low land, who shall desire to drain such land, and who shall deem it necessary, in order thereto, that a ditch, or ditches, should be opened through lands belonging to other persons, in case the owners of any such lands shall refuse to permit the opening of such ditch, or ditches, through the same, may make application, in writing, to the Township Board of the township where such marsh, swamp, or other low lands shall be situated, to inquire and determine whether such marsh, swamp, or other lands are a source of disease to the inhabitants, and whether the public health will be promoted by draining the same.

Determination,
 Certificate of
 Board, and appli-
 cation for Sum-
 mons.

(1387.) SEC. 2. Upon such application being made to the Township Board, they, or a majority of them, shall inquire and determine, and certify under their hands, whether the marsh, swamp, or other low lands, are a source of disease, and whether the public health will be promoted by draining the same, and if they shall certify that the same are a source of disease, and that the public health will be promoted by draining the same, the person or persons making such application may file such certificate with any Justice of the Peace of the township in which the lands are situated, through which any such ditch is proposed to be opened, and apply for such summons as is hereinafter specified.

Summons to be
 issued by Justice.

(1388.) SEC. 3. The Justice to whom such application shall be made, shall thereupon issue a summons, directed to the Sheriff, or any constable of the same county, requiring him to summon nine reputable freeholders of such county, who are not interested in the said lands, nor in any of them, nor in any wise of kin to either of the parties, to be and appear on the premises, at a certain time to be specified in such summons, not less than ten, nor more than twenty days from the date thereof.

(1389.) SEC. 4. Such summons shall also direct the Sheriff ^{Summons to direct. Notice to be given to owner.} or constable to give at least six days' notice to the owner of such lands, of the time at which such jury is to appear.

(1390.) SEC. 5. The officer to whom such summons shall be ^{Summons, how executed.} delivered, shall execute the same by summoning such jurors, in the same manner, and with the like authority, as upon venires issued in cases pending before Justices of the Peace, and shall in like manner make return thereof, and of the fact of his having given the notice therein required.

(1391.) SEC. 6. The Justice shall attend at the time and ^{Justice to attend Jury, and administer Oath, etc.} place specified in the summons, and if it appear that due notice has been given, as required in the summons, and if six or more of the nine freeholders, as above specified, shall then and there appear, he shall administer to each of them an oath or affirmation, well and truly to examine and certify, in regard to the benefits or damages which will result from the opening of such ditch or ditches.

(1392.) SEC. 7. The person applying to have such ditch or ^{Proceedings by Jury.} ditches opened, shall then deliver to the jury a map of the land through which the same are proposed to be opened, on which map the plan, length, width and depth of such ditch or ditches shall be particularly designated; and thereupon the jury shall personally examine the premises, and hear any reasons that may be offered in regard to the question submitted to them; and they may, if they think proper, vary the dimensions of any ditch so proposed to be opened; but in such case they shall designate on the said map the alterations made by them.

(1393.) SEC. 8. If, after taking all the circumstances into ^{Inquisition of Jury to be certified.} consideration, the jury shall be satisfied that the opening of such ditch or ditches is necessary and proper, they shall so certify by inquisition in writing; and if so satisfied, they shall further certify by such inquisition, that the benefits which will accrue to the owner of the lands, from the opening of such ditch or ditches, will or will not be equal to any damages that he will sustain thereby; and if such benefits shall be certified not to be equal to the damages, the jury shall assess the damages which, in their judgment, will be sustained by such owner, and certify the same in like manner.

(1394.) SEC. 9. Every such inquisition shall be signed by ^{Inquisition to be delivered to Justice; Fees of Officers and Jury.} all the jurors, and delivered to the Justice; and the Justice, jurors, and officer serving the summons, shall be entitled to receive the same fees for their services under the provisions

of this chapter, as are allowed by law for similar services in causes tried before Justices of the Peace.

When applicant
may enter and
open Ditch.

(1395.) SEC. 10. Upon payment or tender of the damages assessed by the jury, and the costs of such assessment, or if no damages shall have been found by them, upon payment of the costs of the proceedings, and the delivery of the certificate of the jury to the Justice, it shall be lawful for the person applying for such summons to enter, with his servants, teams, carriages, and necessary implements, upon such lands, and then and there to cut and open such ditch or ditches as were designated on the said map, according to the plan and dimensions therein specified and adopted by the jury, not deviating materially from such dimensions.

Ditch may be
cleared and
scoured from
time to time.

(1396.) SEC. 11. After such ditch or ditches shall have been opened, it shall be lawful for the said applicant, his heirs or assigns, forever thereafter, from time to time, as it shall be necessary, to enter upon the lands through which such ditch or ditches shall have been opened, for the purpose of clearing out and scouring the same, and then and there to clear and scour such ditch or ditches, in such manner as to preserve the original length, depth, and width thereof.

Double damages
for obstructing or
injuring Ditch,
etc.

(1397.) SEC. 12. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be liable to pay to the person owning or possessing the swamp, marsh, or other low land, for the draining of which such ditch or ditches shall have been opened, double the damages that shall be assessed by the jury for such injury, and in case of a second, or other subsequent offence by the same person, treble such damages.

Justice to cause
Maps to be filed
with Township
Clerk.

(1398.) SEC. 13. The Justice before whom such proceedings shall be had, under this chapter, shall cause the map delivered by the applicant, and the inquisition of the jury, which he shall certify to have been taken before him, to be filed in the office of the clerk of the township wherein the premises shall be situated, to be kept in his office, as a record of the proceedings between the parties.

An Act to Provide for the Draining of Swamps, Marshes, and other Low Lands.

[Approved February 17, 1857. Laws of 1857, p. 431.]

Board of Supervi-
sors to appoint
Commissioners to

(1399.) SECTION 1. *The People of the State of Michigan enact,* That the Board of Supervisors in any organized county of this

State shall have power to appoint three Commissioners, to ^{superintend Drainage of Lands.} superintend the drainage of swamps, marshes, and other low lands, in their respective counties, according to the provisions of this act, as do in their judgment affect injuriously the health of the inhabitants.

(1400.) SEC. 2. Before entering upon their duties as Com- ^{Oath of Commis-} missioners, they shall severally make oath before some person duly authorized to administer oaths, that they will justly and impartially discharge the duties assigned them by this act, which oath shall be by them filed in the County Clerk's office.

(1401.) SEC. 3. It shall be the duty of said Commissioners ^{Commissioners to make observations and surveys for Ditches.} to examine, personally, the marshes and other low lands in their respective counties; to make such observations and surveys as they may deem necessary to determine the route, line, and dimensions of the several ditches required to be cut in, or from the same, together with their length, breadth, and depth.

(1402.) SEC. 4. Said Commissioners shall also make an esti- ^{To estimate and apportion ex-} mate of the sum necessary to be raised to pay the expenses of ^{pense of Ditches,} making such ditches or drains, including all incidental expenses. ^{and cause Maps to be made.} They shall also make an estimate of the sum that ought to be levied on each section, or part of a section of land in such marshes or other low lands, in such proportion as they shall deem just, according to the benefit that will accrue to each by making any such ditches or drains; and they shall cause maps of said lands to be made, designating thereon the length, depth, width, position and direction of every ditch or drain by them laid out or contemplated; said map shall also contain a description of every section, or part of a section upon which estimates have been made, with the amount of such estimate; also the aggregate amount to be collected in each township.

(1403.) SEC. 5. Said Commissioners shall contract for the ^{To Contract for making Ditches.} performance of the work and materials required to complete such ditches and drains; but contracts shall be upon reasonable public notice, published not less than three weeks in some newspaper printed in the county, or if no paper be printed in the county, in a newspaper printed in some county nearest thereto, and such other notice as to them shall seem proper, and shall be subject to the action and judgment of the Circuit Court, as hereinafter specified.

(1404.) SEC. 6. Said Commissioners shall make a full report ^{To make Report to Circuit Court.} to the Circuit Court of all their doings in the premises, accom-

Notice of present-
ing Report.

Court to amend,
set aside, or con-
firm Report.

Copy of Report
confirmed to be
filed with Auditor
General, and laid
before Board of
Supervisors.

Supervisors to
cause expense of
Drains to be
levied with other
Taxes.

panied by maps, estimates, statement of contracts, and other matters necessary to a full exhibition and understanding of their action. Such report shall be filed in the office of the County Clerk of said county, at least three weeks before it be acted upon by said Court; and the Commissioners shall give notice at least three weeks, by publication in a newspaper printed in the county, or if no newspaper be printed therein, by posting notices upon the outer door of the Court House in said county, and five or more other notices in the township or townships in which such ditch or ditches, or drains are to be made, that they will, on some day to be by them specified, present said report to the Circuit Court for confirmation; and on such day, or some other day thereafter, as may be appointed by said Court, any person interested may appear and object to the confirmation of said report; and the Court may, for good cause shown, amend or set aside said report, direct new examinations or surveys, when, in the opinion of the Court, justice or equity requires it; but if no good cause be shown against it, the Court shall confirm the report; but if the aggregate estimate for the construction of any ditch or drain shall not exceed the sum of five hundred dollars, it shall not be necessary for said Commissioners to apply to the Court for confirmation of their report, but they may proceed at once in the construction of such ditch or drain, conforming in all other respects to the provisions of this act.

(1405.) SEC. 7. The Commissioners shall cause a copy of the report, confirmed by the Circuit Court, to be filed in the office of the Auditor General of the State, and in the office of the Treasurer of the county; they shall also cause a copy of the same to be laid before the Board of Supervisors in said county, at their annual session on the second Monday in October following; and the said board shall charge the aggregate sums, as they are apportioned against the proper townships, and shall direct the Supervisor of each township in which any portion of such ditch or drain may be constructed or tax levied, to levy the same upon the several sections or parts of sections described as being in his township, and collect and pay said sums to the County Treasurer, in like manner and at the same time with other county taxes; but the Auditor General shall not be required to credit or pay to either of the counties any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes, or for the sale of lands to individuals.

(1406.) SEC. 8. All lands upon which a tax shall be levied by virtue of this act, which may be returned to the office of the Auditor General delinquent for such tax, shall be advertised and sold for such taxes at the same time and in the same manner as lands delinquent for other taxes, except that no such lands shall be bid in for the State for any such tax, and excepting that the amount of such tax on each description of the lands so returned shall be stated and advertised in a line separate and distinct from all other taxes, and all such lands shall first be sold for the State, county, town, school and highway taxes, if any; and in case any such lands are bid in for the State, for State, county, township, school or highway taxes, they shall be sold for the taxes assessed under the provisions of this act, subject to the payment of such State, county, town, school or highway taxes; and no deed of such lands shall be executed by the Auditor General for such ditch tax until such bid of the State and the lien thereon shall have been fully satisfied. Any person who may bid in any land for such ditch tax, which may have been sold to any other person or persons, or to this State, for any other taxes as above mentioned, shall have the right to redeem the same within the time allowed by law; and unless some other person having a right to redeem, shall, before the time of redemption would have expired, tender to the holder or owner of a certificate of sale for such ditch tax, the amount which he may have paid on the redemption for other taxes as aforesaid, with the same interest as would have been payable to the Auditor General or State Treasurer up to the same date, then the person having so redeemed such lands from sale for such other taxes, his heirs or assigns, shall have and possess all the rights, under and by virtue of such redemption, as if the same had been originally purchased by him for such other taxes; and a deed thereof, duly executed by the Auditor General, and all deeds duly executed by the Auditor General for lands sold for any such delinquent ditch taxes, shall be as valid and effectual to all intents and purposes as deeds on sale of lands for other taxes, returned to the office of the Auditor General.

(1407.) SEC. 9. Said Commissioners shall have power to locate or relocate ditches, or drains, or to alter or vary the size thereof: *Provided*, That no such alteration or variation shall be made without the consent of the contractor; but if, at any time, said Commissioners shall extend, alter, locate, or relocate any drain, thereby increasing the expense of such

drain, then, and in such case, they shall make report of their designs, from time to time, according to the facts, to the Circuit Court of the proper county, who shall in all cases act in accordance with the provisions of this act.

And to deepen,
widen, and clear
out same.

(1408.) SEC. 10. The power herein conferred upon said Commissioners for digging and draining, shall also extend to, and include deepening, widening, and clearing out any ditches that have heretofore, or may be hereafter constructed.

Fine for injuring
Drain.

(1409.) SEC. 11. If any person shall willfully or maliciously obstruct, or injure any drain laid out by, and under the provisions of this act, he shall be subject to a fine not exceeding ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which fine may be recovered in an action of debt at the suit of any one of said Commissioners, before any Justice of the Peace of the proper county, and when any recovery shall be made, and the same collected, it shall be paid to the complainant, and be by him deposited with the Township Treasurer in the township where such damages occurred, for the benefit of highways in such township.

Money not to be
paid by County
Treasurer for
Drainage out of
any other Fund.

(1410.) SEC. 12. No money shall be paid by any County Treasurer of any county in which a tax is assessed for the purpose of drainage under this act, on any warrant drawn by the said Commissioners, out of any other fund than that derived from such taxes; and no County Treasurer shall be authorized or allowed to bid in for the State any lands sold or offered for sale for such taxes; but in case any such land shall be and remain unsold when first offered as aforesaid, and such tax shall remain unpaid, the County Treasurer shall certify the same to the Auditor General, and the said Treasurer shall, at any time thereafter, sell such land, subject as aforesaid, to any person who will pay the taxes assessed thereon, and the office charges, in the way and manner hereinbefore mentioned; and said Treasurer shall issue his certificate of sale to such purchaser, and such certificate shall entitle the purchaser to a deed from the Auditor General for the lands so sold, from and after one year from the time they were first offered for sale by such County Treasurer, unless sooner redeemed.

Land not Sold
when offered,
may be Sold for
Tax afterwards.

Compensation of
Commissioners.

(1411.) SEC. 13. The Commissioners shall each be entitled to receive one dollar and fifty cents per day for the time actually spent by them in performing their duties under this act; but before they shall receive any pay, their respective accounts shall be sworn to by them, and taxed by the Judge

of the Circuit Court of the county, and the bills filed in the office of the Treasurer of said county, who shall pay them out of the moneys collected by virtue of this act, and not otherwise.

(1412.) SEC. 14. Whenever any order drawn by the Commissioners shall be presented to the County Treasurer, and there shall be no funds in his hands applicable to the payment thereof, the County Treasurer shall endorse thereon the date of such presentation, with his signature thereto. Such orders shall draw interest from and after such presentation and endorsement.

When orders may draw interest.

(1413.) SEC. 15. Whenever any drain shall be laid upon any public road, or where drains have been laid, and roads shall hereafter be laid out beside said drain, it shall be the duty of Commissioners of Highways and Overseers of their respective districts to keep said drains opened and free of all obstructions.

Keeping Drains open.

(1414.) SEC. 16. All claims arising under the preceding sections of this act, whether on contract, labor performed, or any other services, shall be audited by the Commissioners (except for their services as Commissioners), and paid on their order by the County Treasurer of the county out of any funds in his hands created by this act, and not otherwise.

By whom claims audited and by whom paid.

(1415.) SEC. 17. All bids made for any of the lands which may be sold for taxes assessed under the provisions of this act, may be paid in warrants drawn under the provisions of this act, by the Commissioners, on the Treasurer of said county in which the lands sold are situated, if drawn for the construction of the said ditch, or Commissioner's service, for which said lands are to be sold, and such warrants shall, if tendered, be received by the Auditor General, or Treasurer of the county in which they were drawn, in payment for any such tax that may be returned delinquent.

Bids at Sale may be paid in Warrants drawn under this Act.

(1416.) SEC. 18. For the information of all persons concerned, the said Commissioners shall make a full report in writing to the Board of Supervisors of the proper county, at the next and each annual session thereafter, setting forth as near as practicable :

Annual Report of Commissioners.

1. What proportion of the ditches or drains for the construction of which a tax has been levied, are completed, and the amount paid therefor ;

2. What proportion is under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed ; also the proportion not yet under contract, and the estimated cost of their con-

struction; and whether there is a sufficient amount of unexpended funds created by such tax to complete the work;

3. What amount of such funds had been expended and for what purpose, exhibiting the items of such expenditure as fully as may be practicable; and also what amount of warrants has been drawn by them against such fund, and shall also report all such other matters in relation to the subject as they may deem necessary, or said Board of Supervisors may require.

Powers of Boards
of Supervisors
with respect to
Commissioners
and Drains.

(1417.) SEC. 19. The Board of Supervisors of the several counties in which such Commissioners shall be appointed, shall have full power and authority to control the action of such Commissioners, and may make any order in relation to such ditches or drains, or other matters relating thereto, not inconsistent with the public interest or the rights of individuals, which order shall be binding on such Commissioners. The Board of Supervisors shall also have power and authority, for any cause by them deemed sufficient, to remove any or all of such Commissioners, and appoint others in their stead, with like powers and subject to the same liabilities: *Provided*, That nothing contained in this act shall be construed as to affect any contract, vested right, or interest existing, made or created at any time previous to the passage of this act. All acts or parts (of acts) contravening the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

TITLE XIII.

OF THE SUPPORT OF POOR PERSONS.

CHAPTER XXXIX. Of the Support of Poor Persons by their Relatives.

CHAPTER XL. Of the Support of Poor Persons by the Public.

CHAPTER XXXIX.

OF THE SUPPORT OF POOR PERSONS BY THEIR RELATIVES.

SECTION

- 1418. Certain Persons to Support Poor Relations.
- 1419. In case of failure, Superintendents to apply to Circuit Court.
- 1420. Court to make Order.
- 1421. Order in which Relations are liable.
- 1422. Contribution, when to be ordered.
- 1423. Order, what to specify; may be varied in certain cases.
- 1424. Payment of Costs and Expenses, etc., how enforced.
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SECTION

- 1426. When Superintendents may apply for Warrants to seize Estate of person absconding.
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- 1429. Circuit Court may confirm or discharge Warrant, etc.; Order for Sale.
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Chapter Thirty-Seven of Revised Statutes of 1846.

(1418.) SECTION 1. The father, mother, and children, being of sufficient ability, of any poor person who is blind, old, lame, impotent or decrepit, so as to be unable to maintain himself,

Certain Persons
to support Poor
Relations.

shall, at their own charge, relieve and maintain such poor person, in such manner as shall be approved by the Directors of the Poor of the township where such poor person may be.

In case of failure, Superintendents to apply to Circuit Court.

(1419.) SEC. 2. Upon the failure of any relative to relieve and maintain any such poor person, it shall be the duty of the Superintendents of the Poor of the county where such poor person may be, to apply to the Circuit Court for the county where such relative may dwell, for an order to compel such relief; of which application at least fourteen days' notice in writing shall be given, by serving the same personally, or by leaving the same at the dwelling place of the person to whom it may be directed, in case of his absence therefrom, with some person of sufficient age.

Court to make Order.

(1420.) SEC. 3. The Court to which such application may be made, shall proceed in a summary way to hear the proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly.

Order in which Relations are liable.

(1421.) SEC. 4. The said Court shall also in such orders direct the relative or relatives who shall perform that duty, in the following order: the father shall be first required to maintain such poor person, if of sufficient ability; if there be no father, or he be not of sufficient ability, then the children of such poor person; if there be no such children, or they be not of sufficient ability, then the mother, if she be able to do so.

Contribution, when to be ordered.

(1422.) SEC. 5. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the Court may, in its discretion, direct two or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something therefor, the Court shall direct the sum, in proportion to their ability, which such relations shall severally pay weekly for that purpose.

Order what to specify; may be varied in certain cases.

(1423.) SEC. 6. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the Court shall be paid, or it may be indefinite, or until the further order of the Court; and the said Court may from time to time

vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of any Superintendent of the Poor, upon fourteen days' notice being given in the manner aforesaid.

(1424.) SEC. 7. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the Court, and paid by the relatives against whom any order may be made, and the payment thereof, and obedience to the order of maintenance, and to any order of such Court for the payment of money as aforesaid, may be enforced by process of attachment from such Court.

(1425.) SEC. 8. If any relative who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so in such manner as shall be approved by the Directors of the Poor of the township where such poor person may be, and shall neglect to pay to the Superintendents of the Poor of the county, weekly, the sum prescribed by the Court for the support of such poor person, the said Superintendents may maintain an action against such relatives, as for moneys paid, laid out and expended, and shall recover therein the sum so prescribed by the said Court for every week the said order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor.

(1426.) SEC. 9. Whenever the father, or the mother being a widow, or living separate from her husband, shall abscond from his or her children, or a husband from his wife, leaving any of them chargeable, or likely to become chargeable upon the public for their support, the Superintendents of the Poor of the county where such wife or children may be, may apply to any two Justices of the Peace of any county in which any estate, real or personal, of the said father, mother or husband may be situated, for a warrant to seize the same.

(1427.) SEC. 10. Upon due proof of the facts aforesaid, the said Justices shall issue their warrant, authorizing the said Superintendents to take and seize the goods, chattels, effects, things in action, and the lands and tenements of the person so absconding; and the said Superintendents, by virtue of such warrant, may seize and take the said property, things in action, and effects, wherever the same may be found in the same county, and they shall be vested with all the rights and title to the said property, things in action, and effects, which the person so absconding had at the time of his or her departure.

Payment of costs and expenses, etc., how enforced.

Action may be brought by Superintendents in case of neglect, etc.

When Superintendents may apply for Warrant to seize estate of Person absconding.

When Warrant to issue, and duty of Superintendents thereon.

Sales by Owner
after Warrant is-
sued to be void.

(1428.) SEC. 11. All sales and transfers of any personal property left in the county from which such person absconded, made by him or her after the issuing of such warrant, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void; and the said Superintendents shall immediately make an inventory of the property, things in action, and effects so seized by them, and return the same with their proceedings, to the next Circuit Court for the county in which such Superintendents reside, there to be filed.

Circuit Court
may confirm or
discharge War-
rant, etc.

(1429.) SEC. 12. The said Circuit Court, upon inquiry into the facts and circumstances of the case, may confirm the said warrant and seizure, or may discharge the same; and if the same be confirmed, such Court shall, from time to time, direct what part of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the wife and children of the person so absconding.

Order for Sale.

Sale of Property,
and application
of proceeds.

(1430.) SEC. 13. The Superintendents shall sell, at public vendue, the property so ordered to be sold, and receive the rents and profits of the real estate of the person so absconding, and shall apply the same to the maintenance and support of the wife or children of the person so absconded, and for that purpose shall draw on the County Treasurer therefor; and they shall account to the said Circuit Court for all moneys so received by them, and for the application thereof, from time to time, and may be compelled by said Court to render such account at any time.

When two Jus-
tices may dis-
charge order.

(1431.) SEC. 14. If the party so absconding return and support the wife or children so abandoned, or give security to the Superintendents of the Poor of such county, to be approved by two Justices of the Peace of such county, that the wife or children so abandoned shall not become, or thereafter be chargeable to the county, then such warrant shall be discharged by an order of such Justices, and the property taken by virtue thereof, and remaining unappropriated, or the proceeds thereof, after deducting the expenses of the proceedings aforesaid, shall be restored to such party.

CHAPTER XL.

OF THE SUPPORT OF POOR PERSONS BY THE PUBLIC.

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OF 1846.

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- 1444. County Treasurer to pay amount expended, etc.
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- 1447. Paupers removed, etc., where to be maintained; Notice may be given.
- 1448. Superintendents receiving notice to pay expenses, etc., or deny the allegation of removal within twenty days.
- 1449. If Superintendents to whom notice is given omit to remove Pauper, etc., they and their Successors liable.
- 1450. On receiving notice of denial, Action to be commenced; consequence of neglect.
- 1451. Who not to be Superintendent.
- 1452. Keepers exempt from Militia Service, etc.
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SECTION

- 1454. Education of Pauper Children.
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II. UNDER THE PROVISIONS OF THE REVISED
STATUTES OF 1838.

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- 1469. To be a body corporate, and have Superintendence of County Poor; their general powers and duties.
- 1470. Board of Commissioners may determine to erect Poor Houses; may raise a sum by Tax to defray expenses.
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1475. Settlement of Paupers.
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1496. Directors of Poor to keep an account; how to be kept.
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1518. Superintendents to make Annual Report to Secretary of State; Report, what to contain.
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Chapter Thirty-Eight of Revised Statutes of 1846.

OF THE SUPPORT OF POOR PERSONS BY COUNTIES. (a)

(1432.) SECTION 1. Every poor person who is blind, old, lame, sick, or decrepit, or in any other way disabled or enfeebled, so as to be unable to maintain himself, and who shall not be relieved or maintained by his relatives as provided in the preceding chapter, shall be maintained by the county in which he may be, according to the following provisions :

(1433.) SEC. 2. It shall be the duty of the Board of Supervisors of each county, at their annual meeting in each year, to appoint three discreet freeholders of such county to be Superintendents of the Poor within the same, who shall hold their offices for one year, and until others shall be appointed in their places and duly qualified, and who shall take the oath of office prescribed in the twelfth article of the Constitution, and file the same with the County Clerk.

(1434.) SEC. 3. A majority of the persons so appointed shall be at all times competent to transact business, and to execute any powers vested in the Board of Superintendents; and they shall be allowed such sum for their actual attendance and services, as the Board of Supervisors of the county shall deem reasonable.

(1435.) SEC. 4. They shall be a corporation, by the name of the Superintendents of the Poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes, and they shall meet as often as the Board of Supervisors of the county shall direct, at the County Poor House, if there be one, and if not, then at the place of holding the Circuit Courts in their county, and at such other times and places as they shall deem necessary.

(1436.) SEC. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power, and it shall be their duty :

1. To have charge of the County Poor Houses that have been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the Board of

(a) In 1849 an Act was passed authorizing the County Superintendents of the Poor of Berrien County to contract with one or more persons for the support of all, or any, of the County Poor of that County. Laws of 1849, p. 188.

Supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding eighty acres, and to cause the poor of the county to be maintained at such places;

Specification of
certain powers
and duties.

2. To ordain and establish prudential rules, regulations and by-laws, for the government and good order of such places so provided, and of the County Poor Houses, and for the employment, relief, management, and government of the persons therein placed; but such rules, regulations and by-laws shall not be valid until sanctioned by the Judges of the County Court;

3. To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and to vest in them such powers for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers, the right to appeal to the Superintendents;

4. To purchase the furniture, implements, and materials that shall be necessary for the maintenance of the poor, and their employment and labor, and to sell and dispose of the proceeds of such labor, as they shall deem expedient;

5. To prescribe the rate of allowance to be made by any persons for bringing paupers to the County Poor House or place provided for the poor, subject to such alterations as the Board of Supervisors may, by general resolution, make;

6. To authorize the keepers of such houses or places to certify the amount due to any person for bringing such paupers; which amount shall be paid by the County Treasurer, on the production of such certificate, countersigned and allowed by any two of the Superintendents;

7. To direct the commencement of suits by any Directors of the Poor, who may be entitled to prosecute upon any recognizances, bonds or securities, taken for the indemnity of any township, or of the county, and in case of the neglect of any such Directors to commence and conduct such suits, without the authority of such Directors, in their names;

8. To draw, from time to time, on the County Treasurer for all necessary expenses incurred in the discharge of their duties; which drafts shall be paid by him out of the moneys placed in his hands for the support of the poor;

9. To render to the Board of Supervisors of their county, at their annual meeting, an account of all moneys received and

expended by them, or under their direction, and of all their proceedings;

10. To pay over all moneys remaining in their hands to the County Treasurer, within fifteen days after the expiration of their office.

(1437.) SEC. 6. The Board of Supervisors of any county in this State, in which a County Poor House is not already erected, may, at any annual or special meeting thereof, determine to erect such house, for the reception of the poor of their county; and upon filing such determination with the Clerk of the County, they may direct the Superintendents of the Poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings, for the purpose aforesaid.

Board of Supervisors may determine to erect Poor House, and direct Superintendents to purchase Land.

(1438.) SEC. 7. To defray the expenses of such purchase and buildings, the said Board of Supervisors may raise, by tax on the taxable real and personal property within the same county, a sum not exceeding seven thousand dollars, in such instalments, and at such times as they may judge expedient; and such tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the County Treasurer, upon the order of the Superintendents of the Poor, to be applied for the purposes aforesaid.

Tax to defray expenses of building, etc.

(1439.) SEC. 8. When any person shall apply for relief to any Director of the Poor, or to any Superintendent, he shall inquire into the state and circumstances of the applicant, and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the Director or Superintendent shall, by a written order, cause such poor person to be removed to the County Poor House, to be relieved and provided for, as his necessities may require.

When Poor Person to be removed to Poor House.

(1440.) SEC. 9. Every such person so removed shall be received by the keeper of the County Poor House, and shall be supported and relieved therein, under the direction of the Superintendents, until it shall appear to them that such person is able to maintain himself, when the said Superintendents may, in their discretion, discharge him.

To be received and relieved.

(1441.) SEC. 10. The expense of such removal shall be paid by the County Treasurer, on the certificate of the keeper, countersigned as aforesaid, at the rate which shall have been prescribed by the Superintendents.

Expense of removal, how paid.

Directors, when
to be allowed
Moneys paid out
by them.

(1442.) SEC. 11. The Directors of the Poor House shall be allowed such sums necessarily paid out, or contracted to be paid by them, for the relief or support of any such pauper previous to such removal, as the Superintendents shall judge were reasonably expended while it is improper to remove such pauper; which sums shall be paid by the County Treasurer, on the order of the Superintendents.

When Justice to
order amount to
be expended for
Temporary Re-
lief

(1443.) SEC. 12. If it shall appear that any such poor person so applying for relief as aforesaid, requires only temporary relief, or is so sick, lame, or otherwise disabled that he cannot be safely or conveniently removed to the Poor House, and the application be made to a Director, he shall apply to a Justice of the Peace of the same township, who shall examine into the facts and circumstances, and shall, in writing, order such sum to be expended for the temporary relief of such poor person as he shall deem the circumstances of the case to require.

County Treasurer
to pay amount
expended, etc.

(1444.) SEC. 13. Such order shall entitle the Director to receive any sum which he may have paid out or contracted to pay within the amount therein specified, from the County Treasurer; but no greater sum than twenty dollars shall be so expended or paid for the relief of any one person, or one family, without the sanction, in writing, of one of the Superintendents of the Poor of the county, which shall be presented to the County Treasurer with the order of the Justice.

Provisions for
support of Idiots
and Lunatics out
of Poor House.

(1445.) SEC. 14. The Superintendents may provide for the support of paupers that may be idiots or lunatics, out of the county Poor House, in such place, and in such manner as shall best promote the interests of the county, and conduce to the comfort and recovery of such paupers.

Punishment for
removing Pau-
pers from one
County to another.

(1446.) SEC. 15. Any person who shall send, carry, transport, remove or bring, or who shall cause or procure to be sent, carried, transported, removed or brought, any poor or indigent person from any county, into any other county, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with intent to make any such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail not exceeding one year, or fined not exceeding two hundred dollars, or both, in the discretion of the Court.

(1447.) SEC. 16. The pauper so brought, removed or enticed,

shall be maintained and provided for by the Superintendents of the Poor of the county where he may be, and the said Superintendents may give notice to either of the Superintendents of the Poor of the county from which such pauper removed, or was brought or enticed, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

(1448.) SEC. 17. The Superintendents to whom such notice may be directed shall, within thirty days after the service thereof, take and remove such pauper to their county, and pay the expenses incurred in giving such notice, and in maintaining such pauper from the time of his becoming a charge to the county in which he is maintained; or they shall, within the time aforesaid, notify the Superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper removal or enticing.

1449.) SEC. 18. If the Superintendents to whom a notice shall have been given, as provided in the sixteenth section of this chapter, shall omit to take and remove such pauper, and also neglect to notify such denial within the time aforesaid, they shall be liable for said expenses so long as such pauper shall remain a charge; and an action for such expenses may be maintained from time to time by, and in the name of the Superintendents incurring the same, or their successors in office, against the Superintendents so made liable, and their successors in office.

(1450.) SEC. 19. Upon receiving any such notice of denial as aforesaid, the Superintendents upon whom the same may have been served, shall, within three months thereafter, commence an action against the Superintendents of the Poor of the county to whom the first notice was directed, for the expenses of supporting such pauper, as for moneys paid, laid out and expended, and shall prosecute the same to effect; and if such action be not commenced within the time aforesaid, the same shall be for ever barred, and no action shall thereafter be brought for any expenses incurred in supporting or maintaining such pauper.

(1451.) SEC. 20. No Supervisor of any township, Prosecuting Attorney of any county, County Clerk, or County Treasurer, shall be appointed to, or hold the office of Superintendent of the Poor.

(1452.) SEC. 21. The keeper of every Poor House shall be

Paupers removed, etc., where to be maintained. Notice may be given.

Superintendents receiving Notice to pay Expenses, etc., or deny the allegation of removal within twenty days.

If Superintendents to whom notice is given omit to remove Pauper, etc., they and their successors liable.

On receiving notice of denial, action to be commenced; consequence of neglect.

Who not to be Superintendent.

Keepers exempt from Militia service, etc. exempt from all service in the militia, and from serving on juries, during the time he shall be such keeper.

Places provided by Superintendents to be deemed Poor Houses. (1453.) SEC. 22. The places which shall be provided for the reception of the poor, by the County Superintendents, pursuant to the provisions of this chapter, shall in all cases be deemed to be the County Poor House; and all the provisions of this chapter, applicable to County Poor Houses, shall extend and apply to such places.

Education of Pauper Children. (1454.) SEC. 23. The Superintendents of the Poor of each county shall cause the paupers of such county, who may be over five and under sixteen years of age, to be taught and educated, in the same manner that other children are taught in the primary schools of this State, at least one half of the time such paupers shall remain under their charge; and the expense thereof shall be paid in the same manner as other contingent expenses are paid for the support of such paupers.

Liability of person removing Pauper from another State. (1455.) SEC. 24. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this State, into any county within it, with intent to make such county chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any Justice of the Peace of the county into which such pauper shall be brought, or in which the offender may be; and shall also be obliged to convey such pauper out of the State, or support him at his own expense.

Magistrate may require security. (1456.) SEC. 25. It shall be lawful for the Justice or Court before whom such person shall be convicted for a violation of the provisions of the preceding section, to require of such person satisfactory security that he will, within a reasonable time, to be named by the Justice or Court, transport such person out of the State, or indemnify such county for all charges and expenses which may have been, or may be incurred in the support of such pauper; and if such person shall neglect or refuse to give such security when required, it shall be the duty of the Justice or Court to commit him to the county jail for a term not exceeding three months.

SEC. 26. (b).

Moneys received by Directors and Superintendents. (1457.) SEC. 27. All moneys which shall be collected by any Superintendents, or by the Directors of the Poor of any town-

(b) Relative to the disposition of Moneys received for Licenses to Tavern Keepers, Common Victuallers, or Retailers of Spirituous Liquors. No Law for such Licenses is now in force.

ship, or received by any of them on any bond or other security given for the benefit or indemnity of any county, or of any township; and all other moneys which shall be received by such Superintendents or Directors for the benefit of the poor, shall be by them paid over, within thirty days after the receipt of the same, to the County Treasurer; and if not so paid, the same may be recovered in an action as for money had and received, to be brought by, and in the name of the County Treasurer, with interest, at the rate of ten per cent. from the time the same should have been paid over.

(1458.) SEC. 28. Every Superintendent who shall neglect or refuse so to render an account or statement, or to pay over any moneys as required in this chapter, shall forfeit the sum of two hundred and fifty dollars, and shall also be liable to an action by, and in the name of the County Treasurer, as for moneys had and received, for all moneys which may be in his hands after the expiration of his term of office, with interest thereon, from the time when the same ought to have been paid over.

(1459.) SEC. 29. The Superintendents of the Poor in each county shall present to the Board of Supervisors at their annual meeting in each year, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the said Supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied and collected, in the same manner as the other contingent expenses of the county; to be paid to the County Treasurer, and by him to be kept as a separate fund, distinct from the other funds of the county.

(1460.) SEC. 30. The accounts of the Directors of the Poor, and of Justices of the Peace, for any personal or official services rendered by them in relation to the poor, shall be audited and settled by the Superintendents, and be paid on their order by the County Treasurer; but no allowance shall be made to any officer for attending any board with accounts, for the purpose of having the same audited or paid.

(1461.) SEC. 31. It shall be the duty of the Superintendents of the Poor of each county, on or before the twentieth day of December in each year, to report to the Secretary of State, in such form as he shall direct, the number of paupers that have been relieved or supported in such county the preceding year, the whole expense of such support, specifying the amount paid for the transportation of paupers, and any other items

which do not constitute any part of the actual expense of maintaining such paupers, and the allowance made to Superintendents, Directors, Justices, keepers and officers; the actual value of the labor of the paupers maintained, and the estimated amount saved in the expense of their support in consequence of their labor.

Penalty for neglect to make report, etc.

(1462.) SEC. 32. Any Superintendent who shall neglect or refuse to make such report as aforesaid; or who shall wilfully make any false report, shall forfeit one hundred dollars; and the Secretary of State shall give notice to the Prosecuting Attorney of the county of every such neglect or refusal, or misconduct.

Duty of Secretary of State.

(1463.) SEC. 33. The Secretary of State shall *annually* lay before the Legislature, during the first month of its session, an abstract of said report.

An Act to Amend Chapter Thirty-Eight of the Revised Statutes of Eighteen Hundred and Forty-Six. (c)

[Approved March 1, 1849. *Laws of 1849, p. 44.*]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That chapter thirty-eight of the Revised Statutes of eighteen hundred and forty-six be, and the same is hereby amended, by adding thereto a section to be numbered thirty-four, as follows:

Distinction between Town and County Poor may be restored in certain cases.

(1464.) SEC. 34. Whenever, at the annual meeting of the Board of Supervisors of any county, two thirds of all the Supervisors elected shall vote to restore the distinction between town and county poor, a record of such vote shall be made by the clerk of such county, and thereafter the system of maintaining the poor by townships, as it existed by law on the twenty-eighth day of February, A. D. one thousand eight hundred and forty-six, shall be deemed as adopted and of force in such county: *Provided*, That by a similar vote of two-thirds, the Supervisors of such county may restore the provisions of chapter thirty-eight of the Revised Statutes.

See Sec. 345, Clause 11.

(c) This Act, as well as the Chapter from the Revised Statutes of 1838, relative to County or Township Poor, is believed not to be in force, except in those Counties in which the distinction between County and Township Poor was restored prior to April 8, 1851, and which have not since abolished it. See Chapter X, Sec. 345, Clause 11. And except, perhaps, in the County of Saginaw.

In 1857, a special act was passed authorizing the Supervisors of Saginaw County to restore the distinction between Township and County Poor by a two-thirds vote, at any regular meeting. *Laws of 1857, p. 205.*

For Special Acts on the same subject, relating to the Counties of Wayne, Calhoun and Van Buren, see *Laws of 1847, p. 145; Laws of 1848, p. 241; Laws of 1849, p. 29.*

SEC. 2. (d)

(1465.) SEC. 3. If any township shall not be charged with the relief or support of any township poor, by the time of the annual meeting of the Board of Supervisors in each year, or if the charges made by the County Treasurer against any township do not amount to the sum or sums paid into the Treasury by such township, then the balance found due each township respectively up to that time shall be deducted from the amount of State and county tax apportioned to each of the respective townships to which the County Treasurer stands indebted.

Townships to be charged or credited with certain balance.

SEC. 4. This act shall take effect and be in force from and after its passage.

Chapter Two, Title Nine, Part One, of Revised Statutes of 1838. (c)

(1466.) SECTION 1. Every poor person who is blind, lame, old, sick, impotent, or decrepit, or in any way disabled or enfeebled, so as to be unable by his work to maintain himself, and who shall not be relieved or maintained by his relatives, as provided for in the preceding chapter, shall be maintained by the county or township in which he may be, according to the following provisions:

(1467.) SEC. 2. The Board of County Commissioners of any county in this State, at any annual meeting, or at any special meeting called for that purpose, may determine to abolish all distinction between county poor and township poor in their counties respectively, and to have the expense of maintaining all the poor a county charge; and shall thereupon file such determination, duly certified by the clerk of the board, with the County Clerk.

Distinction between County and Township Poor may be abolished.

(1468.) SEC. 3. It shall be the duty of the Board of County Commissioners in every county to appoint three discreet freeholders of such county, to be Superintendents of the Poor within the same, who shall hold their offices for one year, and until others shall be appointed in their places, and who shall take the oath prescribed in the Constitution of this State. A majority of the persons so appointed shall be at all times

Superintendents of the Poor; three to be appointed in each County.

(d) Related to License Moneys. See note (b).

(e) See note (c). This Chapter was in force February 28, 1847.

The office of County Commissioner was abolished by Act No. 19, of 1842 (Laws of 1842, p. 22), and the powers of the Board of Commissioners conferred, and its duties imposed upon the Board of Supervisors.

competent to transact business, and to execute any powers vested in the Board of Superintendents; they shall be allowed such sum for their actual attendance and services, as the Board of County Commissioners of their county shall deem reasonable.

To be a body corporate; have care of County Poor.

(1469.) SEC. 4. They shall be a corporation, by the name of the Superintendents of the Poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes; they shall meet as often as the Commissioners of the county shall direct, at the County Poor House, if there be one, or at the place of holding Courts in their county, or at one of the places of holding Courts, if there be more than one, and at such other times and places as they shall think expedient; they shall have a general superintendence and care of the county poor who may be in their respective counties; and shall have power, and it shall be their duty:

Powers and duties.

Have charge of County Poor.

First. To have the charge of the County Poor Houses that have been, or shall be erected; or to provide suitable places for the keeping of such poor, when so directed by the Commissioners of any county, where houses for that purpose have not been erected by the county; and for that purpose to erect a tenement or tenements, and land not exceeding fifty acres, and to cause the poor of the county to be maintained in such places.

To establish By-Laws.

Second. To establish and ordain prudential rules, regulations and by-laws, for the government and good order of such places so provided, and of the County Poor Houses, and for the employment, relief, management, and government of the persons therein placed; but such rules and regulations shall not be valid, until sanctioned by the Board of County Commissioners.

Employ keeper of Poor House.

Third. To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants, and to vest such powers in them for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers the right of appeal to the Superintendents.

To purchase materials for Manufactures, etc.

Fourth. In counties where a Poor House is erected, or other place provided for the poor, to purchase the furniture, implements and materials that shall be necessary, from time to time, for the maintenance of the poor therein, and their employment in labor or manufactures, and to sell and dispose of the proceeds of such labor as they shall deem expedient.

Fifth. To prescribe the rate of allowance to be made to any persons for bringing paupers to the county Poor House or place provided for the poor, subject to such alterations as the Board of Commissioners may, by a general resolution, make.

To prescribe rate of allowance for bringing Paupers to Poor House.

Sixth. To authorize the keepers of such houses or places so provided, to certify the amount due to any person for bringing any such paupers; which amount shall be paid by the County Treasurer, on the production of such certificate, countersigned and allowed by any two Superintendents.

To authorize keepers to certify amount.

Seventh. In counties where the distinction between township and county poor is not abolished, to decide any dispute that shall arise concerning the settlement of any poor person, summarily, upon a hearing of the parties; and for that purpose to issue subpoenas to compel the attendance of witnesses, and to administer oaths to them in the same manner, with the like power to enforce such process, as is given to Justices of the Peace in any matter cognizable by them; their decisions shall be filed in the office of the County Clerk, within thirty days after they are made, and shall be conclusive and final upon all parties interested.

To decide Settlement of Paupers.

Eighth. To direct the commencement of suits by any Directors of the Poor who shall be entitled to prosecute for any penalties, or upon any recognizances, bonds, or securities taken for the indemnity of any township or of the county; and in case of the neglect of any such Director, to commence and conduct such suits, without the authority of such Directors, in their names.

To direct the commencement of suits.

Ninth. To draw from time to time on the County Treasurer for all necessary expenses incurred in the discharge of their duties, which drafts shall be paid by him out of the moneys placed in his hands for the support of the poor.

To draw on County Treasurer for amount of expenses incurred.

Tenth. To render to the Board of Commissioners of their county, at their annual meeting, an account of all moneys received and expended by them, or under their direction, and of all their proceedings.

To render account.

Eleventh. To pay over all moneys remaining in their hands, within fifteen days after the expiration of their office, to the County Treasurer or to their successors.

To pay over Moneys.

(1470.) SEC. 5. The Board of Commissioners of any county in this State, in which a County Poor House is not already erected, may, at any annual or special meeting thereof, determine to erect such house for the reception of the poor of their

Commissioners may erect Poor Houses.

May raise a sum
by Tax to defray
expenses.

When distinction
between Town-
ship and County
Poor abolished,
duty of Clerk of
Board of Commis-
sioners.

When and to
whom Directors
to pay over
Moneys; how to
be applied.

county; and upon filing such determination with the clerk of the county, they may direct the Superintendents of the Poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings for the purpose aforesaid. To defray the expenses of such purchase and buildings, the said board may raise, by tax on the real and personal estate of the inhabitants of the same county, a sum not exceeding seven thousand dollars, by such instalments, and at such times as they may judge expedient. The said tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the County Treasurer to the Superintendents of the Poor, to be applied in defraying the expenses aforesaid.

(1471.) SEC. 6. In those counties where the Commissioners shall determine to abolish the distinction between township poor and county poor, and to have all the poor a county charge, it shall be the duty of the Clerk of the Board of Commissioners immediately to serve notice of such determination on the Directors of the Poor, and clerk of every township, and clerk of each village or city within the county. Within three months after the service of such notice, the Directors of the Poor of every township shall pay over all moneys which shall remain in their hands, after discharging all demands against them as such Directors, to the County Treasurer, to be applied by him towards the future taxes of such township; and the Directors of the Poor and Township Boards of the several townships of such county, and the officers of every city or village therein shall pay over to the Treasurer of the county, *all moneys which shall thereafter be received for licenses to tavern keepers, retailers, or common victualers, (f) and all moneys which are directed to be paid to the Directors of the Poor, or for the use of the poor of the county, within thirty days after the receipt thereof; and in counties where the distinction of county and township poor is not abolished, such moneys shall be paid over to the Directors of the Poor of the Township in which the same shall be collected. In case of neglect to pay over such moneys, the County Treasurer or any Director of the Poor may maintain an action therefor, in which he shall recover interest, at the rate of ten per cent. per annum, on all moneys withheld, from the time they should have been paid.*

(f) No Law for such licenses is now in force.

(1472.) SEC. 7. In those counties in which the distinction between township and county poor shall have been abolished, all persons entitled to support from the public shall be maintained at the expense of such counties respectively; and all costs and charges attending the examinations, conveyance, support and necessary expenses of paupers within said counties, shall be a charge upon the said counties, without reference to the number or expense of paupers which may be sent to the Poor House of said counties, from or by any of the townships therein. The said charges and expenses shall be reported by the Superintendents of the Poor of the said counties to the Boards of Commissioners therein respectively, and shall be assessed, levied and collected of and upon the taxable real and personal estate in the said counties, in the same manner as other county charges.

When Poor a County charge.
To defray expense; how paid.

(1473.) SEC. 8. In those counties in which the distinction between township and county poor shall not be abolished by the Boards of Commissioners, the poor having a settlement in any township in such counties shall be supported at the expense of such township, and the poor not having such settlement shall be supported by the county in which they may be. *And in said counties, all excise money collected in any township, when received, shall be paid over to, or collected by, the Directors of the Poor of the several townships in said counties, and applied to the use of the poor of the townships in which such money and penalties shall be collected.* (g)

When Poor to be supported at expense of Township.
Excise money, to whom paid and how applied.

(1474.) SEC. 9. Every person of full age, who shall have been a resident and inhabitant of any township for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such township. A minor may be emancipated from his or her father, and may gain a settlement:

First. If a female, by being married and living one year with her husband, in which case the husband's settlement shall determine that of the wife.

Second. If a male, by being married and residing separately from the family of his father.

Third. By being bound as an apprentice, and serving one year by virtue of such indentures.

Fourth. By being hired and actually serving for one year for wages to be paid such minor.

Settlement of
Paupers.

(1475.) SEC. 10. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any. And until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of the township, city or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child, born while the mother is a county pauper, gain any settlement by reason of the place of its birth; and no residence of any person as a pauper, in the county Poor House, or place provided for the support of the poor, or in any township, while supported at expense of any township or county, shall operate to give such pauper a settlement in the township where such actual residence may be had.

Poor Persons,
where to be sup-
ported, etc.

(1476.) SEC. 11. No person shall be removed as a pauper from any city or township to any other city or township of the same, or any other county; nor from any county to any other county; but every poor person shall be supported in the township or county where he may be, as follows:

First. If he has gained a settlement in any township in such county, he shall be maintained by such township.

Second. If he has not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported by the Superintendents of the Poor, at the expense of the county.

County Poor.

Third. If such person be in a county where the distinction between township and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinafter directed.

Township Poor.

Fourth. If such pauper shall be in a county where the respective townships are liable to support their poor, and has gained a settlement in some other township of the same county than that in which he may then be, he shall be supported at the expense of the township where he may be, and the Directors of the Poor shall give notice in writing to the Directors of the Poor of the township to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

Settlement of
Pauper may be
contested.

(1477.) SEC. 12. If within ten days after the service of such notice, the Directors of the Poor to whom the same was directed, shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed,

they, their successors, and the township which they represent, shall be forever precluded from contesting or denying such settlement. They may, within the time aforesaid, give notice in writing to the Directors of the Poor of the township where such pauper may be, that they will appear before the County Superintendents, at a place and on a day therein to be specified, which day shall be at least ten days, and not more than thirty days, from the time of the service of such notice, to contest the said alleged settlement. Notice to be given.

(1478.) SEC. 13. The County Superintendents shall convene whenever required by any Directors of the Poor, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs, not exceeding ten dollars, to the prevailing party, which may be recovered in any action before a Court of competent jurisdiction. The decision of the Superintendents shall be final and conclusive. Who to determine controversy, etc.

(1479.) SEC. 14. The Directors of the Poor of the township in which it may be alleged any pauper has gained a settlement, may at any time after receiving such notice requiring them to provide for such pauper, take and receive such pauper to their township, and there support him. If they omit to do so, or shall fail to obtain the decision of the County Superintendents, so as to exonerate them from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the County Superintendents, shall be laid before the Board of Commissioners at their annual meetings, from year to year, as long as such expenses shall be incurred; and the Commissioners shall annually add the amount of the said charges to the tax to be laid upon the township to which the pauper belongs, together with such sum in addition thereto as will pay the township incurring such expenses the lawful interest thereon, from the time of expenditure to the time of repayment, which sums shall be assessed, levied and collected, in the same manner as the other contingent expenses of such township. The said moneys, when collected, shall be paid to the County Treasurer, and be by him credited to the account of the township which incurred the said expenses. Support of Paupers in certain cases.

(1480.) SEC. 15. The support of any pauper shall not be charged to the county without the sanction of the Superintendents. If a pauper be sent to the County Poor House, or place provided for the poor, as a county pauper, the Superin- Paupers not County charge without sanction of Superintendents.

When Superintendents to inquire into Settlement of Paupers.

tendents in those counties where the respective townships are required to support their own poor, shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any township of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the Directors of the Poor of the township to which such pauper belongs, that the expenses of his support will be charged to such township, unless the said Directors, within such time as the said Superintendents shall appoint, not less than twenty days thereafter, show that such township ought not to be so charged. And on the application of the said Directors, the Superintendents shall re-examine the matter, and take testimony in relation thereto, and shall finally decide the question, which decision shall be final.

When Pauper is chargeable to County, Superintendent to give certificate to that effect.

(1481.) SEC. 16. In those counties where no County Poor House or other place is provided, no person shall be supported as a county pauper, without the direction of at least one Superintendent. In such cases the Directors of the Poor of the township where such person may be, shall immediately give notice to one of the Superintendents, who shall inquire into the circumstances; and if he is satisfied that such person has not gained a legal settlement in any township of the said county, he shall give a certificate to that effect, and that such pauper is chargeable to the county. He shall report every such case to the Board of Superintendents, at their next meeting, who may affirm such certificate, or may annul the same, on giving due notice to the Directors of the Poor of the township interested, and after hearing the allegations and proof in the premises.

If Superintendent neglect, how to proceed.

(1482.) SEC. 17. If the Superintendent to whom the Directors of the Poor may have given such notice, shall neglect or refuse to give the certificate aforesaid, the Directors may apply to the Board of Superintendents, who shall summarily hear and determine the matter, and whose decision shall be conclusive.

Decisions in relation to Settlement of Paupers; how to proceed.

(1483.) SEC. 18. The decisions of the Board of County Superintendents, in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signatures of such of the said Superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the County Clerk's office, within thirty

days after the making of any such decision. Such original duplicate, or a copy thereof, duly certified, shall be conclusive evidence of the fact therein contained.

(1484.) SEC. 19. When any person shall apply for relief to any Director of the Poor, in any county where a Poor House is established, or other place provided for the poor, such Directors, or any one of them, shall inquire into the state and circumstances of the applicant. If it shall appear that the applicant is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the Directors, or any one of them, shall, by a written order, cause the poor person to be removed to the County Poor House, or to the place provided as aforesaid, to be relieved and provided for as the necessities of such applicant may require. If the said county be one of those where the respective townships are required to support their own poor, the Directors shall designate, in such order of removal, whether the pauper be chargeable to the county or not; and if no such designation be made, such pauper shall be deemed to belong to the township whose Directors or Director made such order.

(1485.) SEC. 20. The expense of such removal shall be paid on the certificate of the keeper of the Poor House or other place, countersigned as aforesaid, at the rate that shall have been prescribed by the Superintendents; and the Directors shall be allowed such sums as may have been necessarily paid out or contracted to be paid, for the relief or support of such pauper, previous to the said removal, as the Superintendents shall judge was reasonably expended, while it was improper to remove such pauper, which sum shall be paid by the County Treasurer on the order of the Superintendents, and shall be charged to the county, if such pauper be a county charge, or the township sending him, if he be not a county charge.

(1486.) SEC. 21. The person so removed shall be received by the Superintendents or their agents, and be supported and relieved in the County Poor House, or such other place as shall have been provided, under the direction of the said Superintendents, until it shall appear to them that such person is able to work and maintain himself, when the Superintendents may, in their discretion, discharge him.

(1487.) SEC. 22. If it shall appear that the person so applying requires only temporary relief, or is sick, lame or otherwise disabled, so that he or she cannot be conveniently removed to

Poor Persons,
when to be re-
moved to County
Poor House.

Expense of re-
moval, how paid.

Persons so re-
moved to be sup-
ported in Poor
House.

Justice of the
Peace may make
order for Relief,
etc.

the County Poor House, or to such place as shall have been provided by the County Superintendents, the Directors of the Poor, or any one of them, shall apply to a Justice of the Peace of the same township, who shall examine into the facts and circumstances, and shall, in writing, order such sum to be expended for the temporary relief of such poor person, as the circumstances of the case shall require; which order shall entitle the Director to receive any sum he may have paid out or contracted to pay, within the amount therein specified, from the County Treasurer, to be by him charged to the county, if such person be a county charge; if not, to be charged to the township where such relief was afforded; but no greater sum than ten dollars shall be expended or paid for the relief of any one poor person or one family, without the sanction in writing of one of the Superintendents of the Poor of the county, which shall be presented to the County Treasurer, with the order of the Justice.

If no Poor House in County, order for weekly allowance.

(1488.) SEC. 23. If application for relief be made in any of those counties where no County Poor House, or other place, shall have been provided, as aforesaid, for the reception of the poor, the Directors of the Poor shall, with the assistance of some Justice of the Peace of the same township, inquire into the facts and circumstances of the case, and shall make an order in writing for such allowance, weekly or otherwise, as the said Justice and one of the said Directors shall think required by the necessities of such poor person.

If Pauper have a legal Settlement, how supported.

(1489.) SEC. 24. If such pauper have a legal settlement in the township where such application is made, or in any other township of the same county, the Directors shall apply the moneys so allowed to the relief and support of such pauper; the moneys paid by them, or contracted to be paid, pursuant to such order, shall be drawn by them from the County Treasurer, on producing said order, out of the funds in his hands belonging to such township.

If not, how to proceed.

(1490.) SEC. 25. If such pauper have no legal settlement in the same county, the Directors shall immediately give the notice hereinbefore directed to one of the County Superintendents; and until the County Superintendents shall take the charge of the support of such pauper, the Directors shall provide for his relief and support as aforesaid, and the expense thereof, from the time of giving such notice to a County Superintendent, shall be paid to the said Directors by the County Treas-

urer, on the production of such order and of proof by affidavit, of the time of the giving such notice, and shall be by him charged to the county.

(1491.) SEC. 26. Whenever the County Superintendents take charge of the support of any county pauper, in those counties where no Poor House is provided, they may authorize the Directors of the Poor of the township in which such pauper may be, to continue to support him, on such terms and under such regulations as they shall prescribe; and thereafter no moneys shall be paid to the said Directors for the support of such pauper, without the order of the Superintendents; or the said Superintendents may remove such pauper to any other township, and there provide for his support, in such manner as they shall deem expedient.

Superintendents may in certain cases authorize Directors of Poor to support certain Paupers.

(1492.) SEC. 27. In those counties where the respective townships are required to support their poor, the County Treasurers thereof shall respectively open and keep an account with each township, in which the township shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the moneys paid for the support of the poor chargeable to such township. And if there be a County Poor House, or other place provided in such county for the support of the poor, the Superintendents of the Poor of the county shall, in each year, before the annual meeting of the Board of Commissioners of such county, furnish to the County Treasurer a statement of the sums charged by them, as hereinafter directed, to the several townships for the support of their poor, which shall be charged to each township respectively, by the County Treasurer in his accounts.

When and how County Treasurer to keep an account of Moneys Received and paid out for support of Poor.

(1493.) SEC. 28. In those counties in which a Poor House shall be established, or a place provided by the Superintendents for the reception of the poor, and in which the several townships shall be liable for the support of their poor respectively, it shall be the duty of the Superintendents, annually, and during the week preceding the annual meeting of the Board of Commissioners, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships respectively, who shall have been provided for by the said Superintendents, and shall charge

Duty of Superintendents of the Poor in certain cases.

the said townships with the said proportions; which statement shall be by them delivered to the County Treasurer, as before directed.

County Treasurer
when to account
to County Com-
missioners.

(1494.) SEC. 29. At the annual meeting of the Board of Commissioners, the County Treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any township, the said board shall add the same to the amount of taxes to be levied and collected upon such township, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven per centum per annum, as will reimburse and satisfy any advances that may be made, or that may have been made, from the County Treasurer for such township: which moneys, when collected, shall be paid to the County Treasurer.

Duty of Com-
missioners.

Estimate of ex-
pense by Super-
intendents to be
assessed and col-
lected.

(1495.) SEC. 30. The Superintendents of the Poor in each county shall annually present to the Board of Commissioners, at their annual meeting, an estimate of the sum which in their opinion will be necessary, during the ensuing year, for the support of the county poor; and the said Commissioners shall cause such sum as they may deem necessary for that purpose to be assessed, levied and collected in the same manner as the other contingent expenses of the county, to be paid to the County Treasurer, and to be by him kept as a separate fund, distinct from the other funds of the county.

Directors of Poor
to keep an ac-
count; how to
be kept.

(1496.) SEC. 31. In those counties where there are no County Poor Houses established, the Directors of the Poor of the respective townships shall enter, in books to be provided at the expense of their townships, an account of all matters transacted by them relating to their official duties; of all moneys received by them, specifying from whom, and on what account; of all moneys laid out and disbursed by them, to whom, and by what authority, and specifying in each case whether to county poor or to township poor; the names of all persons applying for relief, and ordered to be relieved as aforesaid; the day and year when they were admitted to have relief; the weekly or other sums of money allowed for that purpose, and the cause of giving such relief.

When Directors
to account to
Township Board;
duty of Board.

(1497.) SEC. 32. On the Tuesday next preceding the annual township meeting of every township, the Directors of the Poor shall lay the said original books before the Township Board, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the

poor persons by them employed; which account shall be verified by the oaths of the Directors, and shall be filed with the Township Clerk. The Township Board shall compare the said account with the entries in the poor books aforesaid; shall examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such Directors, or to them, as the case may be. No credit shall be allowed to any Director for moneys paid, unless it shall appear that such payment was made pursuant to a legal order.

(1498.) SEC. 33. Every person who, having been a Director of the Poor, shall refuse or neglect to present such original books, or to exhibit such accounts to the Township Board, as required in the last section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by, and in the name of the Directors of the Poor of such township. Forfeiture for neglect.

(1499.) SEC. 34. In those counties where the respective townships are made liable for the support of their poor, it shall be the duty of the Township Clerk to examine, at the annual township meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the Township Board, which accounts shall be openly and distinctly read by the clerk of the meeting; and the Directors of the Poor shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year. Township Clerk in certain cases to exhibit at annual meeting accounts of preceding year.

(1500.) SEC. 35. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose Township Officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected in those counties where a county Poor House, or other place shall have been provided for the reception of the poor, shall be paid to the County Treasurer, and by him placed to the credit of the township; in all other counties, the sum so voted by any township shall be paid to the Directors of the Poor thereof. Inhabitants to vote sum to be assessed; to whom paid.

(1501.) SEC. 36. The accounts of Directors of the Poor and of Justices of the Peace, for any personal or official services rendered by them, in relation to the poor, except county paupers, shall be audited and settled by the Board of Commissioners, and the sums thus audited and allowed shall be Certain accounts to be audited by Board of Commissioners, and paid by County Treasurer.

paid by the County Treasurer; and if such services were rendered in behalf of any township liable to support its own poor, the same shall be charged to such township. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.

Superintendents
to settle ac-
counts.

(1502.) SEC. 37. The Superintendents of the Poor in the several counties in this State shall audit and settle all accounts of Directors of the Poor, Justices of the Peace, and all other persons, for services relating to the support, relief, or transportation of county paupers; and shall, from time to time, draw on the County Treasurer for the amount of the accounts which they shall audit and settle.

Forfeiture for
enticing Paupers
from one Town-
ship to another.

(1503.) SEC. 38. Any person who shall send, carry, transport, remove or bring, or who shall cause to be sent, carried, transported, brought or removed, any poor or indigent person, from any city, township or county, to any other city, township or county, without legal authority, and there leave such poor person, with intent to make any such city, township or county to which the removal shall be made, chargeable with the support of such pauper, or who shall entice any such poor person so to remove, with such intent, shall forfeit fifty dollars, to be recovered by, and in the name of the Directors of the Poor of the township to which such pauper shall be brought or removed, or in the name of the Superintendents of the Poor of the county into which the said poor person shall be removed; and shall, moreover, be deemed guilty of a misdemeanor, and on conviction, shall be imprisoned not exceeding six months, or fined not exceeding one hundred dollars, or both, in the discretion of the Court.

How liable in ad-
dition to Forfeit-
ure.

Superintendents
to maintain Pau-
per, give notice
to Directors, etc.

(1504.) SEC. 39. The pauper so removed, brought or enticed, shall be maintained by the County Superintendents of the county where he may be. They may give notice to either of the Directors of the Poor of the township from which he was brought or enticed, if such township be liable for his support; and if there be no township in the county from which he was brought or enticed liable for his support, then to either of the County Superintendents of the Poor of such county, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

Duty of Directors
on receiving
notice.

(1505.) SEC. 40. The County Superintendents, or the Directors of the Poor to whom such notice may be directed, shall, within thirty days after the service thereof, take and

remove the pauper so brought or enticed, to their county or township, and there support him, and pay the expense of such notice and of the support of such pauper ; or they shall within the said time, by a written instrument under their hands, notify the County Superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper enticing or removal, or that their township is liable for the support of such pauper.

(1506.) SEC. 41. If there shall be a neglect to take and re-
 move such pauper, and also to notify such denial, within the
 time above prescribed, the said County Superintendents and
 Directors respectively, whose duty it was so to do, their suc-
 cessors, and their respective counties or townships, shall be
 deemed to have acquiesced in the allegations contained in such
 first notice, and shall be forever precluded from contesting
 the same ; and their counties and townships respectively,
 shall be liable for the expense of the support of such pauper,
 which may be sued for and recovered, from time to time, by
 the County Superintendents incurring the said expenses, in
 actions against the Superintendents of the Poor of the county,
 or the Directors of the Poor of the township, as the case may
 be, so liable for such expenses.

Consequence of
neglect to re-
move Pauper.

(1507.) SEC. 42. Upon the service of any such notice of
 denial, the County Superintendents upon whom the same may
 be served, shall, within three months, commence a suit against
 the Directors of the Poor of the township, or the County
 Superintendents of the Poor of the county to whom the first
 notice was directed, or against their successors in office, for
 the expenses incurred in the support of such pauper, and
 shall prosecute the same to effect ; if they neglect to do so,
 they, their successors, and their county, shall be forever pre-
 cluded from all claim against the county or township to whose
 officers such first notice was directed, or any of their officers,
 for any expense that may have been, or may be incurred for
 the support of such pauper.

What time Su-
perintendents to
commence suit ;
consequence of
neglect.

(1508.) SEC. 43. Every County Superintendent who shall
 neglect to render any account, or statement, to the Board of
 Commissioners as herein required, or to pay over any moneys
 within the time prescribed by law, shall forfeit two hundred
 and fifty dollars, to be sued for and recovered by, and in the
 name of the County Treasurer. The Superintendents shall
 also be liable to an action, either jointly or severally, by the
 County Treasurer, for all moneys which shall be in their hands

Forfeiture for
neglect to render
account ; liable to
action.

after the time the same should have been paid over according to law, with interest thereon, at the rate of ten per cent. per annum, from the time when the same should have been paid over.

Persons bringing Paupers into this State to forfeit fifty dollars; liable in addition to forfeiture.

(1509.) SEC. 44. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this State, into any county or township within it, and there leave or attempt to leave such person, with intent to make such county or township chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any Justice of the Peace of the county into which such pauper shall be brought, to be sued for and recovered by, and in the name of the Superintendents of the County Poor of said county, or by the Directors of the Poor of the township into which such pauper shall be brought, and, moreover, shall be obliged to convey such pauper out of the State, or support him at his own expense; and it shall be lawful for the Justice before whom such person shall be convicted for a violation of the provisions of this section, to require of such person satisfactory security that he will, within a reasonable time, to be named by the Justice, transport such pauper out of the State, or indemnify the township or county for all charges and expenses which may be incurred in the support of such pauper; and if such person shall refuse to give such security when so required, it shall be the duty of the Justice to commit him to the common jail of the county, for a term not exceeding three months.

Penalties to be paid to County Treasurer.

(1510.) SEC. 45. All penalties imposed under the provisions of this or the preceding chapter, when recovered, shall be paid to the County Treasurer; if not paid by the persons collecting the same, when demanded by the County Treasurer, he may maintain an action therefor in his name of office.

Directors in certain cases to collect penalties.

(1511.) SEC. 46. Whenever it shall be made to appear to the satisfaction of any Director of the Poor, either upon complaint, or otherwise, that a penalty has been incurred by the violation of any provisions of the law of this State, which such Director is required by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.

To be allowed costs in certain cases, and pay for attending suits.

(1512.) SEC. 47. In auditing the accounts of the Directors of the Poor, by the Township Boards, allowance shall be made to them for all costs to which they may have been subjected, or which may have been recovered against them, in any suit

brought by them pursuant to law; and they shall also be allowed the same daily pay, for attending to any such suit, as is allowed them for the performance of their official duties.

(1513.) SEC. 48. Such allowances may be credited to them, Allowances credited in accounts. in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid over to their successors in office, or to the County Treasurer, as directed by law, in respect to such penalties.

(1514.) SEC. 49. If there be not sufficient moneys in their hands to satisfy such allowances, the same shall be paid as other When to be Township charge. township charges.

(1515.) SEC. 50. Every Poor House, Alms House, or other place provided by any city, township or county, for the reception and support of the poor, and all real and personal property Poor Houses, etc., exempt from taxation; Keeper from Service in Militia. whatever, belonging to or connected with the same, shall be exempt from all assessment and taxation, levied either by the State, or by any county, township, city or village; and the keeper of every Poor House, Alms House, or other place provided as aforesaid, shall be exempt from all service in the militia, from serving on juries, and from all assessment for labor on the highways.

(1516.) SEC. 51. In those counties where County Poor Houses Support of Idiots, etc., out of Poor House. may be established, the Superintendents may provide for the support of paupers that may be idiots, or lunatics, out of such Poor House, in such manner as shall best promote the interests of the county, and conduce to the comfort and recovery of such paupers.

(1517.) SEC. 52. The Superintendents of the Poor of each county, or the Directors of the Poor of each township liable for the support of its own poor, are hereby required to cause the paupers of such county or township respectively, who may be over five and under sixteen years of age, under their charge, to be taught and educated, in the same manner as other children are taught in the primary schools of this State, at least one-fourth part of the time the said paupers shall so remain under their charge; and the expense therefor shall be paid in the same manner as other contingent expenses are paid for the support of said paupers. Certain Paupers to be Educated; expense of, how paid.

(1518.) SEC. 53. It shall be the duty of the Superintendents Superintendents to make annual Report; what to contain. of the Poor of each county in this State, on or before the twentieth day of December in each year, to report to the Secretary of State, in such form as he shall direct, the number of

paupers that have been relieved or supported in such county the preceding year, distinguishing the number of county paupers from the number of township paupers, if any ; the whole expense of such support, specifying the amount paid for transportation of paupers, and any other items which do not compose any part of the actual expense of maintaining the paupers, and the allowances made to the Superintendents, Directors, Justices, keepers and officers ; the actual value of the labor of the paupers maintained, and the estimated amount saved in the expense of their support in consequence of their labor.

Township Clerk to Report to Board of Commissioners; what to contain.

(1519.) SEC. 54. It shall be the duty of the clerk of every township in those counties where all the poor are not a county charge, to report to the Clerk of the Board of County Commissioners, within fifteen days after the accounts of the Directors of the Poor have been settled by the Township Board, in each year, an abstract of all such accounts for the preceding year, which shall exhibit the number of paupers that have been relieved or supported in such township the preceding year, specifying the number of county paupers, and of township paupers, the whole expense of such support, and specifying the allowance made to Directors, Justices, constables, or other officers, and any other items which shall not comprise any part of the actual expense of maintaining the paupers.

Abstract to be delivered to Superintendents.

The said abstract shall be delivered by the Clerk of the Board of Commissioners to the County Superintendents, to be included by them in their report aforesaid.

Forfeiture for Neglect; Duty of Secretary of State.

(1520.) SEC. 55. Any Superintendent or County Clerk, or Clerk of the Board of County Commissioners, who shall neglect or refuse to make such reports, abstracts or copies aforesaid, or who shall willfully make any false report, abstract or copy, shall forfeit one hundred dollars, to be recovered by the Prosecuting Attorney of the County, in the name of the People of this State, and to be paid into the County Treasury. The Secretary of State shall give notice to the Prosecuting Attorney of the County, of every such neglect or misconduct ; and it shall be the duty of the Prosecuting Attorney, on receiving such notice, or in any way receiving satisfactory information of such neglect or misconduct, to prosecute for the recovery of such penalties.

Duty of Secretary of State.

(1521.) SEC. 56. The Secretary of State shall annually lay before the Legislature, during the first month of its session, an abstract of the said returns and reports.

TITLE XIV.

CHAPTER XLI.

OF THE DEAF, DUMB, BLIND, AND INSANE,
AND ASYLUMS THEREFOR.

SECTION

1522. Township and Ward Assessors to collect and transmit to Secretary of State Statistics relative to Insane, Deaf, Dumb, and Blind Persons.
1523. Appropriation of Saline Lands for Asylum for Deaf and Dumb.
1524. Trustees of Asylums.
1525. Trustees to be body corporate.
1526. Meeting of Trustees, and Election of Treasurer and Clerk.
1527. Subsequent Meetings; By-Laws and Rules.
1528. Government of Asylums; Principals and other Officers of Institutions.
1529. Tuition and Board in Asylums.
1530. Annual Report of Trustees.
1531. Expenses of Trustees to be reimbursed.
1532. Powers of Board to receive donations, and select site for Asylums.
1533. Lands donated to be under control of Trustees; Proceeds of Sale to constitute Asylum Fund.
1534. One of Trustees to be appointed Building Commissioner; Trustees to make Annual Report of Receipts and Expenditures.
1535. Treasurer of Board to give Bond, and receive Moneys.

SECTION

1536. Auditor General to audit and allow expenses, and for services of Board.
1537. Further Appropriation of Land.
1538. President of Board to select Lands; Lands to be under control of Board.
1539. Proceeds of Lands, how disposed of.
1540. Repeal of contravening Acts.
1541. Moneys appropriated for Asylums from General Fund, to be reimbursed from Sales of Lands.
1542. Authority of Board to convey certain Lands.
1543. Salaries of the Principals of Asylums, and of Subordinate Officers.
1544. Appointment of Trustees for Asylum of Deaf, Dumb, and Blind, and their term of office; Vacancies, how filled.
1545. Appointment of Trustees for Insane Asylum, and their term of office; Vacancies, how filled.
1546. Power of Governor to fill Vacancies.
1547. Powers and duties of Boards of Trustees.
1548. Clothing to be furnished to Inmates of Asylum for Deaf, Dumb, and Blind, in certain cases.
1549. Repeal of contravening Acts.

Joint Resolution Relative to Statistical Information of the Insane, Deaf, Dumb, and Blind.

[Approved April 3, 1848. *Laws of 1848, p. 463.*]

Township and
Ward Assessors
to Collect and
transmit to
Secretary of
State Statistics
relative to In-
sane Deaf, Dumb
and Blind Per-
sons.

(1522.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the Assessors of each township and ward in the State, at the time of making out their assessment rolls, to ascertain and set down in tables prepared for that purpose, a list of the names of all insane, deaf, dumb, and blind persons in said township and ward under separate heading; the patient's age, general health, habits and occupation; kind, degree and duration of such affliction; sex; whether married or single; whether under medical treatment; pecuniary ability of patient and relatives liable for his or her support, and such further information relative to this unfortunate class of our citizens as may be deemed useful; they shall cause said list, together with all the facts brought down to the first of October, to be delivered to the Supervisors of their respective townships or wards, whose duty it shall be to cause the same to be delivered to the County Clerk at the annual meeting of the Board of Supervisors, to be laid before them in each year, which board shall carefully condense the facts exhibited, and transmit the same to the Secretary of State, on or before the first day of November in each year, and the Secretary of State is hereby required to make a report of the same to the next Legislature at the commencement of the session.

This resolution shall take effect and be in force from and after its passage.

An Act to Establish an Asylum for the Deaf and Dumb and the Blind, and also an Asylum for the Insane, of the State of Michigan.

[Approved April 3, 1848. *Laws of 1848, p. 246.*]

Appropriation of
Saline Lands for
Asylum for Deaf
and Dumb.

(1523.) *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in this State institutions under the title and style of the "Michigan Asylum for the Educating the Deaf and Dumb and the Blind," and "Michigan Asylum for the Insane," and that fifteen sections of the State salt spring lands be, and is hereby appropriated for the erection of suitable buildings therefor. (a)

(a) As Amended by Act 133 of 1849. *Laws of 1849, p. 138.*

(1524.) SEC. 2. The government of said Asylums shall be vested in a Board of Trustees, to consist of five members, *who shall be elected annually by the Legislature of this State in joint Convention: (b) Provided,* The Governor shall have the authority to appoint the first Trustee under this act.

Trustees of Asylums.

(1525.) SEC. 3. The Trustees authorized pursuant to the foregoing section, shall constitute a body corporate with the name and title of the "Trustees of the Michigan Asylums," with the right as such of suing and being sued, of making and using a common seal, and altering the same at pleasure.

Trustees to be body Corporate.

(1526.) SEC. 4. It shall be the duty of the above named Trustees to meet at such time and place as the Governor shall appoint, and elect of their own body a Treasurer and Clerk, who shall hold their offices one year, and until their successors are chosen and qualified.

Meeting of Trustees, and election of Treasurer and Clerk.

(1527.) SEC. 5. Said Trustees shall meet once in every three months, on their own adjournments, or oftener if they deem it advisable; have power to pass such by-laws and adopt such rules and regulations for the management and control of the institution, as they may deem just and right.

Subsequent Meetings.

By-Laws and Rules.

(1528.) SEC. 6. The Trustees shall have power, and it shall be their duty to enact laws for the government of said Asylums, and also to appoint a Principal for each institution, whose respective salaries shall not exceed eight hundred dollars per annum, and who shall nominate, for the action of the Board of Trustees, all necessary subordinate officers, who may be dismissed by said respective Principals for inefficiency or misconduct; but in case of every removal a detailed statement of the causes shall be reported to the Board of Trustees by the Principal making the removal.

Government of Asylums.

Principals and other Officers of Institutions.

(1529.) SEC. 7. Tuition and Board shall be free to all candidates from this State, but the Trustees may admit applicants from any other State, and may fix the compensation to be paid by the parents or guardians of such applicant: *Provided,* That the same shall be sufficient to cover all their necessary expenses. (c)

Tuition and Board in Asylums.

(1530.) SEC. 8. The Board of Trustees shall make out annually, and report to the Legislature, a detailed statement of the operations of said institution.

Annual report of Trustees.

(b) For a change in the mode of election and other radical changes, see the act of February 9, 1857, following.

(c) As Amended by Act 106 of 1855, p. 241, Sec. 8.

Expenses of Trustees to be Reimbursed. (1531.) SEC. 9. The expenses necessarily incurred by such Trustees in the discharge of their duties, shall be reimbursed to them, to be paid as the other expenses of the institution.

Powers of Board to receive Donations and select Site for Asylums. (1532.) SEC. 10. Said board, when organized, is hereby authorized to receive proposals for donations of lands, money, or other materials for the location and building of such Asylums, and upon receiving a title of any lands, or the delivery of any money, materials, bonds, or other security for such purpose, to and in behalf of the State for the benefit of such Asylums, they shall have power, and it shall be their duty to select and designate some suitable location or locations for the site of said Asylums, and file a description thereof in the office of the Secretary of State. (d)

Lands Donated to be under Control of Trustees; Proceeds of Sale to constitute Asylum Fund. (1533.) SEC. 11. It shall be the duty of the Commissioner of the State Land Office to make immediate selections of the lands appropriated by this act, and keep on file, in his office, a list of the same, which lands shall thereupon be under the control of the Board of Trustees, who shall have power to order the sale of the same, or portions of the same, from time to time, under the supervision of the Commissioner of the State Land Office, as they may deem proper and for the best interest of the State, and the proceeds of the same, when paid into the State Treasury, shall be passed to the credit of a fund to be called the "Asylum Fund." (e)

One of Trustees to be appointed Building Commissioner. (1534.) SEC. 12. The Board of Trustees shall appoint one of their number as acting Commissioner, whose duty it shall be to take charge of, direct and superintend the erection of the necessary buildings, under the direction of the Board of Trustees, whenever the proceeds of said lands, paid in the State Treasury, shall be deemed sufficient by the Governor and Trustees for the erection of a suitable building for an Asylum of the Insane, shall be realized, or means derived for that purpose from other sources, by donation, bequest, or otherwise; and said Board of Trustees are hereby required to report annually to the Governor of the State, on or before the first day of December, a full statement of their action in the premises, and a correct statement of the receipts and expenditures of the Asylum Fund, verified by the oath or affirmation of the Commissioner of the Board. (f)

(1535.) SEC. 13. The proceeds of the lands and all other

(d) As Amended by Act 245 of 1849, p. 327.

(e) (f) As amended by Act 133 of 1849, p. 137.

moneys shall be paid to the Treasurer authorized by this act, who may be required to give bonds, with sureties to be approved by the board, and filed with the Auditor General of the State, and all necessary expenses incurred in carrying out the provisions of this act, shall be paid therefrom on a warrant drawn by the Clerk, and approved by the Chairman or President of the board.

Treasurer of
Board to give
Bond and receive
Moneys.

SEC. 14. This act shall take effect and be in force from and after its passage.

An Act Relative to Compensation to the Trustees of Michigan Asylums, and the Members of the Board of Education.

[Approved February 19, 1850. Laws of 1850, p. 30.]

(1536.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be, and he is hereby authorized and required to audit and allow to the members of the Board of Trustees of the Michigan Asylums, and to the members of the Board of Education, the expenses necessarily incurred by them in the discharge of their duties; also, two dollars per day for their services actually and necessarily performed, upon their certifying the same to be correct, and draw his warrant upon the Treasury therefor. And it shall be the duty of the State Treasurer to pay said warrants out of any moneys not otherwise appropriated, and charge the same to the Asylum fund and to the Normal school endowment fund, respectively.

Auditor General
to audit and
allow expenses
and for services
of Board.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act to Amend an Act entitled, "An Act to Establish an Asylum for the Deaf and Dumb and Blind, and also an Asylum for the Insane of the State of Michigan," and the Act Amendatory thereto.

[Approved April 2, 1850. Laws of 1850, p. 334.]

(1537.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That ten additional sections of salt spring lands, or as much thereof as are unappropriated, not to exceed ten sections, be and the same are hereby appropriated for the erection of suitable buildings and for the support and maintenance of the "Michigan Asylum for the educating the Deaf and Dumb and the Blind," and "Michigan Asylum for the Insane."

Further appro-
priation of Land.

President of
Board to Select
Lands.

(1538.) SEC. 2. It shall be the duty of the President of the Board of Trustees of the Michigan Asylums to make immediate selections of the additional salt spring lands appropriated by this act, and file a list of the same in the State Land Office; and the said lands shall thereupon be under the control of the Board of Trustees, and be disposed of in the manner provided in section one of act number one hundred and thirty-three of the session laws of 1849.

SEC. 3. (g)

SEC. 4. (h)

Proceeds of
Lands how dis-
posed of.

(1539.) SEC. 5. The proceeds of all the lands selected for the benefit of the Asylum fund shall be paid into the State Treasury, and five thousand dollars of the first proceeds shall be passed to the credit of the general fund, to reimburse to the State the amount appropriated by this act.

Repeal of Con-
travening acts.

(1540.) SEC. 6. So much of any act or acts as contravene the provisions of this act, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

An Act in Aid of the Michigan Asylums.

[Approved February 14, 1853. *Laws of 1853*, p. 119.]

SECTION 1, 2, 3, 4. (i)

Moneys appro-
priated for
Asylums from
General Fund to
be reimbursed
from Sales of
Lands.

(1541.) SEC. 5. As fast as the proceeds of the sale of lands appropriated to the Asylum fund shall reach the sum of one thousand dollars, the same shall be paid to the credit of the general fund, until the amount herein appropriated shall be reimbursed thereby.

Authority of
Board to convey
certain Lands.

(1542.) SEC. 6. Said board are hereby authorized to sell and to convey by deeds, to be executed by the President of the Board, in such portions as they may deem for the best interests of the State, the ten acres donated for the site of the Insane Asylum at Kalamazoo, and to locate the same on the one hundred and sixty acres purchased therefor, which location is hereby confirmed as the site for said Asylum: *Provided*, The State shall not be liable for, or pay any damages arising from said change or sale, or giving said deeds.

(g) Temporary. It related to the term of office of Trustees elected in 1850.

(h) Makes a temporary money appropriation.

(i) Make an appropriation for building purposes, and specify the manner of its expenditure.

SEC. 7. (j)

SEC. 8. (k)

SEC. 2. [9]. This act shall take effect immediately.

An Act making Appropriations in Aid of the Michigan Asylums.

[Approved February 12, 1855. *Laws of 1855*, p. 239.

SECTION 1, 2, 3. (b)

(1543.) SEC. 4. The Trustees shall have power to increase the salaries of the Principals of the Asylums, whenever, in their opinion, the interests of those institutions shall demand it, beyond the limitation fixed by the act of April 3d, 1848: *Provided*, The salary of each of said Principals shall not exceed eighteen hundred dollars per annum. They shall also have power to fix salaries of the subordinate officers: *Provided*, The amounts so paid shall not exceed such reasonable compensation as is paid for the like services in similar institutions.

Salaries of the Principals of Asylums and of Subordinate Officers.

SEC. 5. (m)

SEC. 6. (n)

This act shall take effect immediately.

An Act to Provide for the Election of a Board of Trustees for each of the Michigan Asylums.

[Approved February 9, 1857. *Laws of 1857*, p. 185.]

(1544.) SECTION 1. *The People of the State of Michigan enact*, That the Governor, by and with the advice and consent of the Senate and House of Representatives, in joint Convention assembled, shall, during the session of the Legislature in the year eighteen hundred and fifty-seven, appoint three Trustees of the Michigan Asylum for the Deaf, Dumb, and Blind, to hold their offices as follows, to wit: one shall be elected for the term of six years, one shall be elected for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of February, of the year in which they are elected, and shall continue until their

Appointment of Trustees for Asylum for Deaf, Dumb, and Blind, and their term of office.

(j) Related to term of office of the members of the board, and is superseded.

(k) Temporary.

(l) Appropriate \$100,000 for building, and specify the mode of expenditure.

(m) Temporary.

(n) Amends Sec. 7 of the Act of April 3, 1848, as given above.

successors are appointed and qualified, and who shall constitute the Board of Trustees of the said Asylum; and at each succeeding session of the Legislature, there shall be appointed in like manner one Trustee, who shall hold his office six years, and until his successor is appointed and qualified. The Legislature shall also fill, by election as aforesaid, all vacancies that may occur in said board.

Vacancies, how filled.

Appointment of Trustees for Insane Asylum, and their term of office.

(1545.) SEC. 2. There shall also be appointed, as provided in the foregoing section, three Trustees of the Michigan Asylum for the Insane; one shall be appointed for the term of six years, one for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of February, of the year in which they are appointed, and continue until their successors are appointed and qualified, who shall constitute the Board of Trustees of said Asylum; and at each succeeding session of the Legislature thereafter, there shall be appointed in like manner one Trustee, who shall hold his office six years, and until his successor is appointed and qualified; and the Legislature shall fill, by appointment as aforesaid, all vacancies that may occur in said board.

Vacancies, how filled.

Power of Governor to fill vacancies.

(1546.) SEC. 3. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in either of said boards, by death, removal or otherwise, to appoint some suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature, and until such vacancy shall be filled by the Legislature.

Powers and duties of Boards of Trustees.

(1547.) SEC. 4. The said Board of Trustees of the Asylum for the Deaf, Dumb, and Blind, shall have the sole and exclusive control and management of said Asylum and its affairs, in as full and ample manner as the existing Board of Trustees; and the said Board of Trustees of the Asylum for the Insane shall have like control of said Asylum and all its affairs.

SEC. 5. This act is ordered to take immediate effect.

An Act making Appropriations in Aid of the Asylum for the Deaf and Dumb and Blind, at Flint.

[Approved February 12, 1857. Took effect May 19, 1857. Laws of 1857, p. 216.]

SECTION 1. (o)

SEC. 2. (p)

SEC. 3. (q)

SEC. 4. (r)

SEC. 5. (s)

(1548.) SEC. 6. In cases where persons, residents of this State, who are deaf and dumb, or blind, but who, on account of their poverty, are unable to furnish themselves with suitable clothing, and other necessary expenses for attending school at the Asylum for the Deaf and Dumb and the Blind, the Board of Trustees shall have discretionary power to render them such assistance, not exceeding twenty dollars (\$20) for each person, and for that purpose may issue a certificate directed to the Auditor General, that such amount is necessary for the benefit of such individual, who shall draw his warrant upon the State Treasurer therefor, and any such sums are hereby appropriated, and shall be paid out of any moneys in the general fund not otherwise appropriated; and the Auditor General shall charge all such moneys so drawn to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any State taxes are required to be by law.

Clothing to be furnished to inmates of Asylum for Deaf, Dumb, and Blind in certain cases.

(1549.) SEC. 7. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Repeal of contravening Acts.

(o) Appropriates \$37,500 for 1857, and the same amount for 1858.

(p) Provides for expenditure of appropriation for building purposes, and for sustaining the Institution.

(q) Directs the appointment of one of the Trustees as Building Commissioner, with salary of \$800.

(r) Trustees directed to deposit contracts for building with the Auditor General, and make report to the Legislature as to their expenditures.

(s) Auditor General directed to cause to be raised \$15,000 for 1857, and the same amount for 1858, with the other State taxes.

For similar provisions appropriating \$50,000 for building purposes for the Asylum for the Insane, see Laws of 1857, p. 265.

TITLE XV.

OF THE INTERNAL POLICE OF THE STATE.

CHAPTER XLII. Of Disorderly Persons.

CHAPTER XLIII. Of the Maintenance of Illegitimate Children.

CHAPTER XLIV. Of the Observance of the First Day of the Week, and the Prevention and Punishment of Immorality.

CHAPTER XLV. Of the Law of the Road, and the Regulation of Public Carriages.

CHAPTER XLVI. Of Timber and Lumber Floating upon Waters, or Carried upon Adjoining Lands.

CHAPTER XLVII. Of Lost Goods, and Stray Beasts.

CHAPTER XLVIII. Of the Disposition of Unclaimed Property in Certain Cases.

CHAPTER XLIX. Of Fire Departments in Cities and Villages.

CHAPTER L. Of Certain Municipal Regulations of Police.

CHAPTER LI. Of the Destruction of Wolves, and other Noxious Animals.

CHAPTER LII. Of the Manufacture and Sale of Intoxicating Drinks as a Beverage.

CHAPTER XLII.

OF DISORDERLY PERSONS.

SECTION

- 1550. What Persons deemed Disorderly.
- 1551. Apprehension of Offenders, and Security for good behavior.
- 1552. When Record of Conviction to be made, and Offender Committed.
- 1553. What deemed a Breach of Recognition.
- 1554. When New Securities may be required, or Offender committed.
- 1555. How Person committed may be discharged.

SECTION

- 1556. Jailer to lay before County Judge List of Persons in Custody.
- 1557. Judge to examine Record of Conviction.
- 1558. Powers of Judge in relation to Disorderly Persons.
- 1559. Court may order Disorderly Person kept at labor.
- 1560. When Court may order keeper to furnish employment, etc.
- 1561. Expenses, how paid.
- 1562. Keeper to sell produce of labor, etc.

Chapter Thirty-Nine of Revised Statutes of 1846.

N. Y. Rev. Stat.,
Title 5, Chap. 20,
Part 1.

(1550.) SECTION 1. All persons who threaten to run away and leave their wives and children a burden on the public; all persons pretending to tell fortunes, or where lost or stolen goods may be found; all common prostitutes and all keepers of bawdy houses, or houses for the resort of prostitutes; all drunkards, tiplers, gamesters, or other disorderly persons; all persons who have no visible calling or business to maintain themselves by, but who do for the most part support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profit any puppet show, wire or rope dancing, or other idle shows, arts or feats; all persons who keep in any public highway, or in any public place, any gaming table, wheel of fortune, box, machine, instrument or device for the purpose of gaming; all persons who go about with such table, wheel or other machine, instrument or device, exhibiting tricks or gaming therewith; all persons who play in the public streets or highways, with cards, dice, or any instrument or device for gaming, shall be deemed disorderly persons.

(1551.) SEC. 2. Upon complaint made on oath to any Justice of the Peace against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him to be brought before such Justice for examination; and if it shall appear by the confession of the offender, or by competent testimony, that he is a disorderly person, the Justice may require of the offender a recognizance, with sufficient sureties, for his good behavior for the term of one year thereafter.

(1552.) SEC. 3. In default of such sureties being found, the Justice shall make up, sign and file in the County Clerk's office, a record of conviction of such offender, as a disorderly person, specifying generally the nature and circumstances of the offence, and shall, by warrant under his hand, commit such offender to the common jail of the county, there to remain until such sureties be found, or such offender be discharged according to law.

(1553.) SEC. 4. The committing of any of the acts which constitute the person so bound a disorderly person, shall be deemed a breach of the condition of such recognizance.

(1554.) SEC. 5. Upon a recovery being had upon any such

When new securities may be required or offender committed. recognizance, the Court before which such recovery shall be had may, in its discretion, either require new sureties for good behavior to be given, or may commit the offender to the common jail of the county, for any time not exceeding six months.

How person committed may be discharged. (1555.) SEC. 6. Any person committed to the common jail for not finding sureties for good behavior, may be discharged by any two Justices of the Peace of the county, upon giving such sureties for good behavior as were originally required from such offender.

Jailer to lay before County Judge list of persons in custody. (1556.) SEC. 7. It shall be the duty of the keeper of every jail to lay before the *County Judge* of his county, on the first day of every term, a list of all the persons committed to jail as disorderly persons, and then in his custody, with the nature of their offences, the name of the Justice committing them, and the time of their imprisonment. (a)

Judge to examine record of conviction. (1557.) SEC. 8. The said *County Judge* before which such list shall be laid, shall inquire into the circumstances of each case, and hear any proofs that may be offered, and shall examine the record of conviction, which shall be deemed presumptive evidence of the facts therein contained, until disproved. (a)

Powers of Judge in relation to disorderly persons. (1558.) SEC. 9. The *County Judge* may discharge such disorderly person from confinement, either absolutely or upon receiving sureties for his good behavior, in his discretion; or the said *County Judge* may, in his discretion, authorize the Superintendents of the Poor of the county to bind out such disorderly persons as shall be minors in some lawful calling, as servants or apprentices, or otherwise, until they shall be of full age, respectively, or to contract for the services of such disorderly persons as shall be of full age, with any person, as laborers or servants, for any time not exceeding one year, which binding out and contracts shall be as valid and effectual as the indenture of any apprentice with his own consent and the consent of his parents, and shall subject the persons so bound out or contracted for, to the same control of their masters, respectively, and of such *County Judge*, as if they were bound as apprentices. (a)

(1559.) SEC. 10. Such Court may, in its discretion, order

(a) As Amended by Act 275 of 1850. Laws of 1850, p. 323.

Although the office of County Judge was abolished by the Constitution of 1850, these sections have not since been changed by any express enactment.

any such disorderly person to be kept in the common jail for any time not exceeding six months, at hard labor.

Court may order disorderly person kept at labor.

(1560.) SEC. 11. If there be no means provided in such jail for employing offenders at hard labor, such Court may direct the keeper thereof to furnish such employment as it shall specify, to such disorderly person as may be committed thereto, either by a Justice, or any Court, and for that purpose to purchase any necessary raw materials and implements, not exceeding such amount as the Court shall prescribe, and to compel such persons to perform such work as shall be allotted to them.

When Court may order keeper to furnish employment, etc.

(1561.) SEC. 12. The expenses incurred in pursuance of such order, shall be paid to the keeper by the County Treasurer, on the production of a certified copy of the order of the Court, and an account of the materials furnished, verified by his oath.

Expenses, how paid.

(1562.) SEC. 13. The keeper shall sell the produce of such labor, and shall account for the first cost of the materials furnished, and for one half of the surplus to the Board of Supervisors, and pay the same into the County Treasury; and the other half of the surplus shall be paid to the person earning the same, on his discharge from imprisonment; and such keeper shall also account to the Court, whenever required, for all materials purchased, and for the disposition of the proceeds of the earnings of such offenders.

Keeper to sell produce of labor, etc.

CHAPTER XLIII.

OF THE MAINTENANCE OF ILLEGITIMATE CHILDREN.

SECTION

1563. Complaint against Father of bastard child, and examination thereon.

1564. Warrant; Proceedings thereon.

1566. Proceedings in Circuit Court.

1566. Trial and Judgment.

1567. Bond to secure performance of order, etc.

1568. Relief of Person Imprisoned.

SECTION

1569. Still liable to Action.

1570. When Superintendents to make application for examination.

1571. Woman to be examined, and reputed Father apprehended.

1572. Warrant may be executed in any County.

1573. Superintendents may compromise with Father of Bastard.

Chapter Forty-two of Revised Statutes of 1846.

Complaint
against father of
bastard child,
and examination
thereon.

13 Metcalf, 246.
4 Blackford, 188,
269, 316.
Thacher's C.C.26.

(1563.) SECTION 1. When any woman who has been delivered of a bastard child, or is pregnant with a child, which, if born alive, may be a bastard, shall make a complaint to any Justice of the Peace, and shall desire to institute a prosecution against the person whom she accuses of being the father of the child, the Justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and the place where the complainant was begotten with child, and such other circumstances as the said Justice shall deem necessary, for the discovery of the truth of such accusation.

Warrant; pro-
ceedings thereon.

4 Blackford, 20,
42.
5 Hill, 443.

(1564.) SEC. 2. The said Justice may issue his warrant against the party accused, which may be executed in any part of the State, and after hearing him in his defence, may require him to enter into recognizance with one or more sureties to the satisfaction of the Justice, in such sum as he may deem necessary, not less than one hundred nor more than five hundred dollars, upon condition to appear and answer to the said complaint at the next term of the Circuit Court for the county, and to abide the order of the Court thereon, and may order

him to be committed until he shall enter into such recognizance; and on the trial of the issue before the Court, the examination taken as aforesaid shall be given in evidence.

(1565.) SEC. 3. If, at the next term of the said Court, the complainant shall not have been delivered, or shall not be able personally to attend, or if there shall be any other sufficient reason therefor, the Court may order a continuance of the cause, from time to time, as they shall judge necessary, and such recognizance shall remain in force until final judgment: *Provided*, that if the sureties of any recognizance shall, at any term of said Court, object to being any longer held liable, or if the Court shall, for any cause, deem it proper, such Court may order the defendant to enter into a new recognizance, with such sureties, and for such amount as they shall direct; and he shall stand committed until such new recognizance shall be entered into.

Proceedings in Circuit Court.

(1566.) SEC. 4. Upon the trial of the cause, the woman making the complaint shall be admitted as a witness, unless she shall have been convicted of a crime which would by law render her incompetent as a witness in any other cause; and the issue to the jury shall be, whether the defendant is guilty or not guilty; and if the jury shall find him guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, with the assistance of the mother, in such manner as the Court shall order.

Trial and Judgment.

(1567.) SEC. 5. Such person so adjudged to be the father of such child, shall give bond to the Superintendents of the Poor of the county, with sufficient sureties to the satisfaction of the Court, to perform such order, and also to indemnify the county, which might be chargeable with the maintenance of such child; and he may be committed to prison until he shall give such bond; but if on such trial he shall be found not guilty, the Court shall order that he be discharged; and in either case, the judgment of the Court shall be final.

² Cushing, 77.
⁹ Johnson, 367.

¹ Doug. Mich. 47.

Bond to secure performance of order, etc.

¹³ Metcalf, 372.
² Johnson, 375.
⁴ Denio, 518.

(1568.) SEC. 6. Any man who shall have been imprisoned ninety days, for having failed to comply with the order of the Circuit Court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution for debt, provided he shall procure the like notification of his intention to take the oath prescribed to poor debtors, to be served on the complainant, if still living within this State, and also upon one of the said Superinten-

Relief of person imprisoned.

⁵ Cowen, 278.

dents of the Poor ; such notification to be served at least thirty days before the time appointed for taking the oath.

Still liable to action.

(1569.) SEC. 7. The mother of such child, and the said County Superintendents respectively, may at all times after the liberation of such prisoner on taking said oath, recover by action of debt or on the case, any sum of money which ought to have been paid to them respectively by him in pursuance of such order of the Court.

When Superintendents to make application for examination.

(1570.) SEC. 8. If any woman shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable to any county ; or shall be pregnant of a child likely to be born a bastard, and to become chargeable to any county ; the Superintendents of the Poor of any county, or any of them, where such woman shall be, shall, upon application for aid in supporting such child by the mother thereof, apply to some Justice of the Peace of the same county to make inquiry into the facts and circumstances of the case.

Woman to be examined, and reputed father apprehended.

(1571.) SEC. 9. Such Justice shall examine such woman on oath respecting the father of such child, the time when and the place where she was begotten with child, and such other circumstances as the Justice may deem necessary for the discovery of the truth ; and shall thereupon issue his warrant to apprehend the reputed father ; and the same proceedings shall be thereupon had, as if complaint had been made by such woman, as prescribed in the foregoing provisions of this chapter, and with the like effect.

Wendell, 555.

Warrant may be executed in any County.

(1572.) SEC. 10. Any warrant issued for the apprehension of such reputed father, may be executed in any county in this State, in which the person against whom the same issued may be found.

Superintendents may compromise with father of bastard.

(1573.) SEC. 11. The Superintendents of the Poor of any county in this State shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they shall deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastard.

CHAPTER XLIV.

OF THE OBSERVANCE OF THE FIRST DAY OF THE WEEK, AND
THE PREVENTION AND PUNISHMENT OF IMMORALITY.

OBSERVANCE OF THE FIRST DAY OF THE WEEK.

SECTION

1574. Shops, etc., not to be kept open on first day of week, etc.
1575. Keepers of public houses not to entertain, except travelers, etc., on first day of week.
1576. Penalty for violating preceding Section.
1577. Public diversions, etc.
1578. Between what hours civil process not to be executed.
1579. Disturbance of Religious Meetings.
1580. Persons observing seventh day of week, not liable, etc.
1581. What time included in first day of the week; Limitation of time for prosecution.

GAMING.

1582. Money, etc., lost by betting may be recovered.

SECTION

1583. When winner subject to fine.
1584. Oath of plaintiff and defendant.
1585. Forfeiture for winning or losing to value of five dollars.
1586. Certain notes, mortgages, etc., how far void.
1587. Land in certain cases to enure to benefit of person who would be entitled if grantor, etc., were dead.
1588. Penalty for keeping billiard table, or gaming house, etc.
1589. Penalty for keeping ninepin alley, etc.
1590. Penalty for playing in certain cases.
1591. When warrant shall issue to arrest persons playing in gaming house, etc.

Chapter Forty-Three of Revised Statutes of 1846.

OBSERVANCE OF THE FIRST DAY OF THE WEEK.

(1574.) SECTION 1. No person shall keep open his shop, warehouse or workhouse, or shall do any manner of labor, business or work, except only works of necessity and charity, or be present at any dancing, or at any public diversion, show or entertainment, or take part in any sport, game or play, on the first day of the week; and every person so offending shall be punished by a fine not exceeding ten dollars for each offence.

(1575.) SEC. 2. No tavern keeper, retailer of spirituous liquors, or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers

Travelers, etc., or lodgers in his house, on the said first day of the week, or shall suffer any such person on said day to abide or remain in his house, or in the buildings, yards, or orchards or fields appertaining to the same, drinking, or spending their time idly, or at play, or in doing any secular business.

Penalty for violating preceding Section. (1576.) SEC. 3. Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding five dollars for each person so entertained, or suffered so to abide or remain; and upon any conviction after the first, such offender shall be punished by a fine not exceeding ten dollars; and if convicted three times, he shall be afterwards incapable of holding a license; and every person so abiding or drinking shall be punished by a fine not exceeding five dollars.

Public diversions, etc. (1577.) SEC. 4. No person shall be present at any game, sport, play, or public diversion, or resort to any public assembly, excepting meetings for religious worship or moral instruction, or concerts of sacred music, upon the evening of the said first day of the week; and every person so offending shall be punished by a fine not exceeding five dollars for each offence.

Between what hours Civil Process not to be executed. (1578.) SEC. 5. No person shall serve or execute any civil process from midnight preceding, to midnight following the said first day of the week; but such service shall be void, and the person serving or executing such process, shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

Disturbance of Religious Meetings. (1579.) SEC. 6. If any person shall, on the said first day of the week, by rude and indecent behavior, or in any other way, intentionally interrupt or disturb any assembly of people met for the purpose of worshipping God, he shall be punished by a fine not less than two, nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Persons observing Seventh Day of Week, not liable, etc. (1580.) SEC. 7. No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the said first day of the week, provided he disturb no other person.

What time included in First Day of the Week. (1581.) SEC. 8. For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the midnight preceding and the midnight following the said day; and no prosecution for any

fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of three months from the time when the offence shall have been committed.

Limitation of time for Prosecution.

GAMING.

(1582.) SEC. 9. If any person shall, by playing at cards, dice, or any other game, or by betting on the sides or hands of such as are gaming, or by any betting whatever, lose to any person so playing, or betting, any sum of money, or any goods whatever, and shall pay and deliver the same, or any part thereof to the winner, the person so paying or delivering the same, may sue for and recover such money, in an action for money had and received to the use of the plaintiff, and such goods, in an action of replevin, or the value thereof, in an action of trover, or in a special action on the case.

Money, etc., lost by Betting, may be recovered.
3 McLean R. 100.
3 Denio, 103.

(1583.) SEC. 10. If the person so losing said money or goods, shall not, within three months after such loss, without covin or collusion, prosecute with effect for such money or goods, the winner to whom such money or goods shall have been so paid or delivered shall be subject to a fine not exceeding three times the value of such money or goods.

When winner subject to Fine.

(1584.) SEC. 11. In any suit to be brought by the person so losing any such money or goods, against the person receiving the same, when it shall appear from the declaration that the said money or goods came to the hands of the defendant by gaming, if the plaintiff shall make oath before the Court in which such suit is pending, that the said money or goods were lost by gaming with the defendant as alleged in the declaration, judgment shall be rendered that the plaintiff recover damages to the amount of the said money or goods, unless the defendant will make oath that he did not obtain the same, or any part thereof, by gaming with the plaintiff; and if he shall so discharge himself, he shall recover of the plaintiff his costs; but the plaintiff may, at his election, maintain and prosecute his action according to the usual course of proceeding in such actions at common law.

Oath of Plaintiff and Defendant.

(1585.) SEC. 12. Every person who shall win or lose, at any time or sitting, by gaming or betting on the hands or sides of such as are gaming, any money or goods to the value of five dollars or more, whether the same be paid over or delivered,

Forfeiture for winning or losing to value of five dollars.

or not, shall forfeit and pay three times the value of such money or goods: *Provided*, that a prosecution shall be commenced therefor within six months after the committing of the offence.

Certain Notes,
Mortgages, etc.,
how far void.

(1586.) SEC. 13. All notes, bills, bonds, mortgages, or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods, won by playing at cards, dice, or any other game whatever, or by betting on the sides or hands of such as are gaming, or by any betting or gaming whatever, or for reimbursing or repaying any moneys knowingly lent or advanced for any gaming or betting, shall be void and of no effect, as between the parties to the same, and as to all persons, except as to those who hold or claim under them in good faith, and without notice of the illegality of such contract or conveyance.

1 Cushing, 488.

Lands in certain
cases to enure to
benefit of person
who would be en-
titled if grantor,
etc., were dead.

(1587.) SEC. 14. Whenever any mortgage or other conveyance of land shall be adjudged void under the provisions of the preceding section, such lands shall enure to the sole benefit of such person or persons as would be entitled thereto, if the mortgagor or grantor were naturally dead; and all grants and conveyances for preventing such lands from coming to or devolving upon the person or persons to whose use and benefit the said lands would so enure, shall be deemed fraudulent and of no effect, except as against purchasers in good faith, and without notice of the illegality of such mortgage or other conveyance.

Penalty for keep-
ing Billiard Table,
or Gaming house,
etc.

(1588.) SEC. 15. If any person shall keep, or knowingly suffer to be kept, in any house, building, yard, garden, or dependency thereof, by him actually used or occupied, any table for the purpose of playing at billiards for hire, gain, or reward, or shall, for hire, gain, or reward, suffer any person to resort to the same, for the purpose of playing at billiards, cards or dice, or any other unlawful game, every person so offending shall, for each and every such offence, forfeit a sum not exceeding one hundred dollars, and shall further recognize, with sufficient sureties, in such reasonable sum as the Court shall direct, for his good behavior, and especially that he will not be guilty of any offence against the provisions of this chapter, for the term of one year then next ensuing.

Penalty for keep-
ing ninepin alley,
etc.

(1589.) SEC. 16. If any person shall keep, or knowingly suffer to be kept, in any house, building, yard, garden, or dependency thereof, or in any field by him owned or occupied, any nine-pin alley, or any alley to be used in the playing of

nine-pins, or any other like game, whether to be played with one or more balls, or with nine or any other number of pins, for hire, gain, or reward, or shall, for hire, gain, or reward, suffer any person to resort to the same for the purpose of playing at any such game, every such person so offending shall, for every such offence, forfeit a sum not exceeding fifty dollars, and shall further recognize for his good behavior, in like manner as is required of a person convicted of any offence mentioned in the preceding section.¹ Cushing, 272.

(1590.) SEC. 17. If any person shall play at billiards, cards, dice, nine-pins, or any other unlawful game, at any such table or alley, kept or used as mentioned in the two last preceding sections, he shall forfeit a sum not less than two dollars, nor more than ten dollars for each offence. Penalty for playing in certain cases.

(1591.) SEC. 18. If any person shall make oath before any Justice of the Peace that he suspects, or has probable cause to suspect, that any house or other building is unlawfully used as and for a common gaming house, for the purpose of gaming for money or other property, and that idle and dissolute persons resort to the same for that purpose, such Justice, whether the name of the persons last mentioned are known to the complainant or not, shall issue a warrant, commanding the Sheriff or any constable to enter into such house or building, and there to arrest all persons who shall be there found playing for money, or otherwise, and also the keepers of the same, and to take into their custody all the implements of gaming there found, and to bring the said persons and implements before such Justice, to be dealt with according to law. When Warrant shall issue to arrest persons found playing in Gaming House, etc.

CHAPTER XLV.

OF THE LAW OF THE ROAD, AND THE REGULATION OF
PUBLIC CARRIAGES.

SECTION	SECTION
1592. Persons meeting with Carriages, etc., to turn to the Right.	1596. Driver Running Horses, guilty of misdemeanor, etc.
1593. Penalty, etc., for violating preceding Section.	1597. Penalty on Driver for leaving Horses unfastened.
1594. Penalty for Employing Drivers addicted to Drunkenness.	1598. Owners of Carriage liable for Injuries done by persons in their employ.
1595. Owner of Coach, etc., to discharge Driver, on Notice of his being Intoxicated.	

N. Y. Rev. Stat.,
Title 13, Chap. 20,
Part 1.

Chapter Forty-Four of Revised Statutes of 1846.

Persons meeting
with Carriages,
etc., to turn to
the Right.
§ Gray, 181.

(1592.) SECTION 1. Whenever any persons shall meet each other on any bridge or road, traveling with carriages, wagons, carts, sleds, sleighs, or other vehicles, each person shall seasonably drive his carriage or other vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

Penalty, etc., for
violating preceding
Section.

(1593.) SEC. 2. Every person offending against the provisions of the preceding section, shall, for each offence, forfeit a sum not exceeding twenty dollars, and shall also be liable to the party injured for all damages sustained by reason of such offence: *Provided*, that proceedings shall be commenced for the recovery of such forfeiture within three months after the offence shall have been committed, and any action for such damages shall be commenced within one year after the cause of action shall have accrued.

Penalty for em-
ploying Driver
addicted to
Drunkenness.

(1594.) SEC. 3. No person owning, or having the direction or control of any coach, or other carriage or vehicle running or traveling upon any road in this State, for the conveyance

of passengers, shall employ, or continue in employment, any person to drive such coach, carriage, or other vehicle, who is addicted to drunkenness, or to the excessive use of intoxicating liquors; and if any such person shall violate the provisions of this section, he shall forfeit at the rate of five dollars per day for all the time during which he shall have kept such driver in such employment.

(1595.) SEC. 4. If any driver, whilst actually employed in driving such coach, carriage, or vehicle, shall be guilty of intoxication, it shall be the duty of the owner or person having the charge or control of such coach, carriage, or other vehicle, on receiving written notice of the fact, signed by any passenger who witnessed the same, and certified by him under oath, forthwith to discharge such driver from such employment; and every person who shall retain, or have in such service, within six months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for all the time during which he shall keep any such driver in such employment after receiving such notice.

Owner of Coach,
etc., to discharge
Driver, on notice
of his being in-
toxicated.

(1596.) SEC. 5. No person driving any carriage or vehicle for the conveyance of passengers for hire upon any road or highway in this State, with or without passengers therein, shall run his horses, or cause or permit them to run, upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the Court.

Driver running
Horses, guilty of
misdemeanor,
etc.

(1597.) SEC. 6. It shall not be lawful for the driver of any carriage used for the conveyance of passengers for hire, to leave the horses attached thereto, while any passenger remains in or upon the same, without making such horses fast with a sufficient halter, rope or chain, or without some suitable person to take the charge and guidance of them, so as to prevent their running; and if any such driver shall violate the provisions of this section, he shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offence.

Penalty on Driver
for leaving Horses
unfastened.

(1598.) SEC. 7. The owners of every carriage running or traveling upon any turnpike road or public highway, for the

Owners of Car-
riage liable for In-

juries done by persons in their employ.

conveyance of passengers for hire, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damage done by any person in the employment of such owners as a driver, while driving such carriage, to any person, or to the property of any person, whether the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable.

CHAPTER XLVI.

OF TIMBER AND LUMBER FLOATING UPON WATERS, OR CARRIED UPON ADJOINING LANDS.

SECTION

1599. How Owner of Timber, etc., may reclaim the same, and consequence of neglect.

1600. Penalty for destroying marks on Timber.

SECTION

1601. Possession of Defendant when presumptive evidence of guilt.

1602. Liability of Person converting Logs, etc.

Chapter Forty-Six of Revised Statutes of 1846.

How Owner of Timber, etc., may reclaim the same, and consequence of neglect.

(1599.) SECTION 1. Whenever any logs, timber, boards or planks, in rafts or otherwise, shall be drifted upon any island in any of the waters within this State, or upon the bank or shore of such waters, the owner of such logs, timber or lumber may, at any time within one year, remove the same, on paying or tendering to the owner or occupant of the land such reasonable damages as may have been caused by reason of such removal, and if the owner shall not, within the said year, make such payment or tender, and take such logs, timber or lumber from such lands, unless he and the owner or occupant of such lands shall otherwise agree, the same shall be deemed the property of such owner or occupant of the lands.

Penalty for destroying marks on Timber, etc.

(1600.) SEC. 2. Whoever shall unlawfully cut out, alter or destroy, any mark of the owner, made on any logs, timber, or lumber, put into any lake, river, stream or pond, shall forfeit a sum not exceeding ten dollars for each log, stick of

timber, or piece of lumber, the mark of which he shall have so altered, cut out or destroyed; and shall be liable to the party injured in three times the amount of damages.

(1601.) SEC. 3. In any suit under the provisions of the preceding section, if such logs, timber or lumber, shall be found in the possession of the defendant, with the marks cut out, altered, or destroyed, it shall be considered presumptive evidence of his guilt, and the burden of proof shall be upon him to discharge himself.

Possession of Defendant when presumptive evidence of guilt.

(1602.) SEC. 4. Whoever shall convert to his own use, without the consent of the owner thereof, any logs, timber, boards, or planks, floating in any of the waters of this State, or lying on the banks or shores of such waters, or on any island where the same may have drifted, except as in this chapter provided for, shall be liable to the owner thereof in treble the amount of damages.

Liability of person converting Logs, etc.

CHAPTER XLVII.

OF LOST GOODS, AND STRAY BEASTS.

SECTION

- 1603. 1604. Notice of Finding Goods, etc., how given.
- 1605. Taking up Stray Animals.
- 1606. Notice to Owner, and entry on Township book.
- 1607. When Notice to be published in Newspaper.
- 1608. Appraisal of Lost Goods and Stray Beasts.
- 1609. When Owner, etc., to have restitution.
- 1610. When Goods, etc., shall remain with finder, and Township entitled to one half of value.

SECTION

- 1611. When Owner, etc., to have restitution of Stray Beasts.
- 1612. Sale of Stray Beasts, and disposition of proceeds.
- 1613. When Owner, etc., to receive Moneys deposited with Township Treasurer.
- 1614. Finder neglecting to Advertise, etc., to lose benefit of this Chapter.
- 1615. Liability of persons unlawfully taking Stray Animals.
- 1616. When Horses, etc., may be moderately worked by finder.

(Chapter Forty-Seven of Revised Statutes of 1846.

(1603.) SECTION 1. When any person shall find any lost money, or lost goods, if the owner thereof be known, he shall

Notice of finding
goods, etc., how
given.

immediately give notice thereof to such owner; if the owner thereof be unknown, and such money or goods be of the value of three dollars or more, the finder shall, within two days, cause notice thereof to be posted in two public places within the township where the same were found; and shall also, within seven days, give notice thereof, in writing, to the Township Clerk of such township, and pay him twenty-five cents for making an entry thereof in a book to be kept for that purpose.

Ibid.

(1604.) SEC. 2. If the money or goods so found be of the value of ten dollars or more, and the owner thereof be unknown, the finder thereof shall also, within one month after such finding, cause notice thereof to be advertised in some newspaper in the same county, if one be published there, and if not, then in some newspaper published in an adjoining county, and continued therein for six successive weeks.

Taking up Stray
Animals.

(1605.) SEC. 3. It shall be lawful for any resident freeholder of any township in this State to take up any stray horses, mules or asses, by him found going at large in such township, beyond the range where such horses, mules or asses usually run at large; and also to take up, between the months of November and March, any stray neat cattle, sheep or swine by him found going at large therein, beyond the range where such animals have usually run at large.

Notice to Owner,
and entry on
Township book.
13 Ill. Rep. 64.

(1606.) SEC. 4. Such finder shall immediately give notice thereof to the owner of any such animal, if known to him; but if the owner thereof be unknown, such finder shall, within ten days, cause notice thereof to be entered with the Township Clerk, in such book as aforesaid, containing a description of the color, age, and natural and artificial marks of such animals, as near as may be, and the name of such finder, and shall pay such clerk twenty-five cents for entering the same; and shall also cause such notice to be posted up in two of the most public places in such township.

When notice to
be published in
Newspaper.

(1607.) SEC. 5. If the owner of any such animal or animals shall not, within one month, appear and reclaim them, and such animal or animals taken up at the same time shall be of the value of ten dollars or more, the finder shall cause such notice to be published in a newspaper in the same county, if one be published there, and if not, then in a newspaper published in an adjoining county, and continued therein for six successive weeks.

(1608.) SEC. 6. Every finder of lost goods or stray animals,

of the value of ten dollars or more, shall, within three months, and before any use shall be made thereof, procure an appraisal of the same to be made and certified by a Justice of the Peace of his township, which appraisal he shall, within said three months, cause to be filed with the Township Clerk; and he shall pay to such Justice fifty cents for such appraisal and certificate, and six cents for each mile necessarily traveled by him in such service, and to the clerk six cents for filing the certificate.

(1609.) SEC. 7. If the owner or person entitled to the possession of any such money or goods, other than stray animals, shall appear at any time within one year after such entry with the Township Clerk, and make out his rights thereto, he shall have restitution of the same, or of the value thereof, upon his paying all the costs and charges aforesaid, together with a reasonable compensation to the finder for keeping and taking care of the same, and for his necessary travel and expenses in the case; which charges shall, in case of disagreement between the owner and finder, be determined by some Justice of the Peace of the township, who shall certify the same.

(1610.) SEC. 8. If no owner or person entitled to the possession of the same shall appear in one year, then such lost money or goods shall remain to the finder, he paying one half of the value thereof to the Treasurer of the township, according to said appraisement, after deducting from such value all the fees and charges aforesaid, to be determined and certified by a Justice of the Peace as aforesaid; and upon the neglect or refusal to pay the said half of the value, the same shall be recovered by the Township Treasurer, in an action of debt, or on the case.

(1611.) SEC. 9. If the owner or person entitled to the possession of any such stray beast, shall appear within six months after such entry with the Township Clerk, and shall make out his right thereto, he shall have restitution of the same, upon paying all lawful charges as before provided in the case of lost goods.

(1612.) SEC. 10. If such owner or person entitled to the possession of the same, shall not appear and make out his title to the animals, within the said six months, such animals shall be sold at the request of the finder, by any constable of the township, at public auction, upon first giving notice thereof in writing, by posting up the same in three of the most public places in such township at least ten days before such sale,

and the finder may bid therefor at such sale; and the moneys arising therefrom, after deducting all the lawful charges aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, shall be deposited in the Treasury of the township.

When Owner,
etc., to receive
Moneys deposited
with Town-
ship Treasurer.

(1613.) SEC. 11. If the owner or person entitled to the possession of any such animal, shall appear within one year after the entry with the Township Clerk as aforesaid, and establish by his own affidavit, or otherwise, to the satisfaction of the Township Treasurer, his title thereto, he shall be entitled to receive the money so deposited in the Township Treasury, from the proceeds of the sale; and if no owner or person entitled to the possession of the same shall appear within the said year, such money shall belong to the township.

Finder neglecting
to Advertise,
etc., to lose bene-
fit of this Chap-
ter.

(1614.) SEC. 12. If the finder of any lost money, goods, or stray beasts shall neglect to cause the same to be entered, advertised, or notice thereof to be posted, as directed in this chapter, he shall be precluded from all the benefits of this chapter, and from all claim for keeping such goods or animals, or on account of any charges in relation thereto.

Liability of per-
son unlawfully
taking Stray
Animals.

(1615.) SEC. 13. If any person shall unlawfully take away any animal, taken up as a stray pursuant to the provisions of this chapter, without paying all the lawful charges incurred in relation to the same, he shall be liable to the finder thereof to the value of such animal, which may be recovered in an action of trespass, or on the case.

When Horses,
etc., may be
moderately work-
ed by finder.

(1616.) SEC. 14. If any horses, mules or oxen, of sufficient age and strength, and used to work, shall be taken up under the provisions of this chapter as strays, and shall not be reclaimed by the owner within one month after the entry thereof with the Township Clerk, the person taking up the same may moderately and carefully work such horses, mules, or oxen, within the township where they were so taken up; and the value of such labor shall be deducted from the charges aforesaid.

CHAPTER XLVIII.

OF THE DISPOSITION OF UNCLAIMED PROPERTY IN CERTAIN CASES.

SECTION	SECTION
1617. Description and date of reception of Property to be entered in certain cases.	1623. Return of Constable.
1618. When notice to be given to Owner by letter.	1624. Disposition of proceeds, etc.
1619. Notice when and how to be Published.	1625. Inventory, etc., to be delivered to County Treasurer.
1620. Proceedings if Property remains unclaimed.	1626. Entry, etc., to be made by Treasurer.
1621. Inventory and order for Sale when to be made by Justice.	1627. When Owner may receive amount deposited with Treasurer.
1622. Constable to give notice and sell Property.	1628. If amount not paid to Owner, to be paid into the State Treasury.

Chapter One Hundred and Twenty-Seven of Revised Statutes of 1846.

(1617.) SECTION 1. Whenever any personal property shall be consigned to, or deposited with any forwarding merchant, wharf keeper, warehouse keeper, tavern keeper, or the keeper of any depot for the reception and storage of trunks, baggage, and other personal property, such consignee or bailee shall immediately cause to be entered in a book to be provided and kept by him for that purpose, a description of such property, with the date of the reception thereof.

(1618.) SEC. 2. If such property shall not have been left with such consignee or bailee for the purpose of being forwarded or otherwise disposed of according to directions received by such consignee or bailee, at or before the time of the reception thereof, and the name and residence of the owner of such property be known or ascertained, the person having such property in his custody shall immediately notify such owner by letter, to be directed to him, and deposited in a post office, to be transmitted by mail, of the reception of such property.

Description and date of reception of property to be entered in certain cases.
1839, p. 112.
1840, p. 135.

When Notice to be given to Owner by letter.

Notice, when and how to be published.

(1619.) SEC. 3. In case any such property shall remain unclaimed for three months after its reception as aforesaid, the person having possession thereof shall cause a notice to be published once in each week for four successive weeks in a newspaper published in the same county, if there be one, and if not, then in some paper published at the Seat of Government, describing such property, and specifying the time when it was so received, and stating that unless such property shall be claimed within three months from the first publication of such notice, and the lawful charges thereon paid, the same will be sold according to the statute in such case made and provided.

Proceedings if property remain unclaimed.

(1620.) SEC. 4. In case the owner or person entitled to such property shall not, within three months after the first publication of such notice, claim such property and pay the lawful charges thereon, including the expense of such publication, the person having possession of the property, his agent or attorney, may make and deliver to any Justice of the Peace of the same county, an affidavit, setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of such property be known or unknown.

Inventory and order for Sale, when to be made by Justice.

(1621.) SEC. 5. Upon the delivery to him of such affidavit, the Justice shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall make and annex to such inventory an order under his hand, that the property therein described be sold by any constable of the city or township where the same shall be, at public auction, upon due notice.

Constable to give notice and sell property.

(1622.) SEC. 6. It shall be the duty of the constable receiving such inventory and order, to give ten days' notice of the sale, by posting up written notices thereof in three public places in the city or township, and to sell such property at public auction, for the highest price he can obtain therefor.

Return of Constable.

(1623.) SEC. 7. Upon completing the sale, the constable making the same shall endorse upon the order aforesaid a return of his proceedings upon such order, and deliver the same to such Justice, together with the inventory, and the proceeds of the sale, after deducting his fees, which shall be the same as upon an execution.

Disposition of proceeds, etc.

(1624.) SEC. 8. From the proceeds of such sale, the Justice shall pay the charges and expenses legally incurred in respect to such property, or a rateable proportion to each claimant, if

there be not sufficient for the payment of the whole ; and such Justice shall ascertain and determine the amount of such charges in a summary manner, and shall be entitled to one dollar for each day's services rendered by him in such proceedings.

(1625.) SEC. 9. Such Justice shall deliver to the Treasurer of the county in which the property was sold, the affidavit, inventory and order of sale, and return hereinbefore mentioned, together with a statement of the charges and expenses incurred in respect to such property, as ascertained and paid by him, with a statement of his own fees, and shall at the same time pay over to such Treasurer any balance of the proceeds of the sale, remaining after payment of such charges, expenses and fees.

Inventory, etc.,
to be delivered to
County Treasurer.

(1626.) SEC. 10. The Treasurer shall file in his office, and safely keep all the papers so delivered to him, and make a proper entry of the payment to him of all moneys arising from such sale, in the books of his office.

Entry, etc., to be
made by Treasurer.

(1627.) SEC. 11. If the owner of the property sold, or his legal representatives shall, at any time within five years after such moneys shall be deposited in the County Treasury, furnish satisfactory evidence to the Treasurer of the ownership of such property, he or they shall be entitled to receive from such Treasurer the amount so deposited with him.

When Owner
may receive
amount deposited
with Treasurer.

(1628.) SEC. 12. If the amount so deposited with any County Treasurer shall not be paid to such owner or his legal representatives within the said five years, such County Treasurer shall pay such amount into the State Treasury, to the credit of the general fund.

If amount not
paid to Owner, to
be paid into the
State Treasury.

CHAPTER XLXIX.

OF FIRE DEPARTMENTS IN CITIES AND VILLAGES.

SECTION	SECTION
1629. Exemption of Firemen from Militia duty, etc.	1633. Certificate of Service.
1630. Moneys may be raised to Compensate Firemen.	1634. Taxes for purchasing and repairing Engines.
1631. Payment of Compensation.	1635. Fire Companies may make By-Laws, etc.
1632. Record to be kept by Recorder or Clerk.	1636. Fire Engines exempted from execution.

Chapter Forty-Eight of Revised Statutes of 1846.

Exemption of
Firemen from
Militia duty, etc.

(1629.) SECTION 1. Any person who was a fireman in any incorporated city or village in this State on the sixth day of February, one thousand eight hundred and forty-three, or at any time thereafter, and who shall have served for the term of seven years from that time, or from the time of his appointment, if appointed since that time, and every person who may hereafter be appointed a fireman in any such city or village, and serve as such fireman, shall, during the time of such service, be exempted from serving as a juror in any of the Courts of this State, from the payment of any tax assessed against his person for labor on highways, and from the performance of all militia duty; and any fireman who shall serve a term of seven years, shall forever thereafter be exempt from all militia duty, except in cases of invasion or insurrection. (a)

(a) As Amended by "An Act to Amend Section One, Chapter Forty-Eight, Title Nine, of the Revised Statutes of 1846," Approved January 24, 1853. Laws of 1853, p. 12.

(1630.) SEC. 2. It shall be lawful for the qualified voters of any such city or village, at their annual election of officers thereof, to authorize the Common Council, or other corporate board of such city or village, to raise a sufficient sum to pay each fireman therein the sum of five dollars; and thereupon such sum shall be levied and collected, in the same manner as the other contingent expenses of such city or village are levied and collected.

Moneys may be raised to compensate Firemen.

(1631.) SEC. 3. Upon such provision being made for the payment of firemen, as provided in the preceding section, each fireman who shall produce a certificate from the foreman of his company, countersigned by the Chief Engineer of the Fire Department of such city or village, stating that he has well and faithfully performed his duties as such fireman during the year then next preceding, shall be allowed and paid out of the Treasury of such city or village, the said sum of five dollars as a compensation for his services.

Payment of compensation.

(1632.) SEC. 4. The Recorder or Clerk of every such city or village shall keep an accurate record, in a book to be provided for that purpose, of the name, occupation and residence of every fireman of such city or village, together with the date of his appointment, and a designation of the company to which he is attached; and whenever any fireman shall resign or be removed, it shall be so entered upon such record; and the appointment, resignation or removal, of every fireman, shall also be entered on the minutes of the Common Council, or other corporate board.

Record to be kept by Recorder or Clerk.

(1633.) SEC. 5. It shall be the duty of the Recorder or Clerk of such city or village, to deliver to every fireman who shall have served during the said term of seven years as provided in this chapter, a certificate to that effect, signed by himself and the Mayor of such city, or President of such village; which certificate shall be received as evidence in any of the Courts of this State.

Certificate of service.

(1634.) SEC. 6. It shall be lawful for the Common Council, or other corporate board of each incorporated city or village, to levy and collect, by a tax upon all the taxable real and personal property within the limits thereof, in the manner prescribed in the charter of such city or village, for the collection of taxes therein, such sums as may be necessary for the purchasing and repairing of fire engines and other fire apparatus, and for defraying all other necessary expenses of the fire department thereof.

Taxes for purchasing and repairing Engines.

Fire Companies
may make By-
Laws, etc.

(1635.) SEC. 7. Every fire company shall have power to make such by-laws, rules and regulations, not inconsistent with the laws of this State, for their government and discipline, and to prescribe such penalties for the violation thereof, not exceeding five dollars for any one offence, as they may deem necessary to the efficient accomplishment of the object of their organization ; and they may sue for and collect such penalties in the name of the Common Council, or other corporate board of the city or village to which they belong.

Fire Engines ex-
empted from ex-
ecution.

(1636.) SEC. 8. All fire engines, and apparatus requisite for, and ordinarily used by fire companies in the extinguishment of fires, which are now owned, or which may hereafter be purchased and owned by any incorporated city or village, and kept for the use of any fire companies therein, and all water-works, with the buildings, machinery and fixtures, and the ground occupied thereby, now owned, or which may hereafter be purchased and owned by any incorporated city or village, and used or intended to be used for the supplying of water for the extinguishment of fires and the use of the inhabitants, shall be, and are hereby exempted from levy or sale for any debt, damages, fine or amercement whatever.

1643, p. 19, Sec.
8.
1644, p. 76, Sec.
1.

CHAPTER L.

OF CERTAIN MUNICIPAL REGULATIONS OF POLICE.

THEATRICAL EXHIBITIONS AND PUBLIC SHOWS.	OF DOGS.
SECTION	SECTION
1637. Township Board, etc., may License Shows and Exhibitions.	1642. Regulations by Township, etc., relating to Dogs.
1638. Punishment for setting up Shows without License.	1643. Moneys received for Licenses to be paid to Treasurer.
GUNPOWDER.	1644. When Dogs may be killed.
1639. Inhabitants of Townships, etc., may make regulations in relation to keeping.	1645. Owner liable for Dogs killing Domestic Animals; Trial, parties may be examined; Judgment.
1640. When Search Warrant may be issued.	1646. Owner shall cause Dog to be killed; Penalty for neglect.
1641. Forfeiture for violating two preceding Sections.	1647. Supervisor to sue for Penalty; Moneys to be paid into Township Treasury.
	1648. Certain Sections Repealed.

Chapter Forty-Nine of the Revised Statutes of 1846.

THEATRICAL EXHIBITIONS AND PUBLIC SHOWS.

(1637.) SECTION 1. The Township Board of any township, or the corporate board of any village, may at any meeting held for that purpose, license theatrical exhibitions, public shows, and such other exhibitions as they deem proper, to which admission is obtained on payment of money, upon such terms and conditions as they shall think reasonable, and may regulate the same in such manner as they shall think necessary for the preservation of order and decorum, and to prevent any danger to the public peace; but no such license shall be in force for a longer time than the officers granting the same shall have been elected to office.

(1638.) SEC. 2. Any person who shall set up or promote any such exhibition or show, or shall publish or advertise the same, or otherwise aid or assist therein, without a license first

obtained, as provided in the preceding section, or contrary to the terms and conditions of such license, or while the same is suspended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding two hundred dollars.

GUNPOWDER.

Inhabitants of Townships, etc., may make regulations in relation to keeping.

(1639.) SEC. 3. The inhabitants of every township or incorporated village may, at any regular meeting, order that no gunpowder shall be kept in any place within the limits of such township or village, unless the same shall be kept in tight casks or canisters; and that no gunpowder above the quantity of fifty pounds, shall be kept or deposited in any shop, store or other building, or in any ship or vessel, which shall be within the distance of twenty-five rods from any other building, or from any wharf; that no gunpowder above the quantity of twenty-five pounds, shall be kept or deposited in any shop, store or other building, within ten rods of any other building; and that no gunpowder above the quantity of one pound, shall be kept or deposited in any shop, store or other building, within ten rods of any other building, unless the same shall be well secured in copper, tin or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass or tin covers.

When Search Warrant may be issued.

(1640.) SEC. 4. Upon complaint made on oath to any Justice of the Peace, by any township or village officer, that he has probable cause to suspect that gunpowder is deposited or kept within the limits of the township or village, contrary to any such order, such Justice may issue his warrant, directed to any constable of such township, or the marshal of such village, ordering him to enter any shop, store or other building, or vessel specified in said warrant, and there to make diligent search for the gunpowder suspected to have been deposited or kept as aforesaid, and to make return of his doings to such Justice forthwith.

Forfeiture for violating two preceding Sections

(1641.) SEC. 5. If any person shall commit either of the offences mentioned in the two preceding sections, he shall forfeit a sum not exceeding twenty dollars; but the two preceding sections shall not extend to any manufactory of gunpowder, nor in any case prevent the transportation thereof through any township, or from one part of any township to another part thereof.

OF DOGS.

(1642.) SEC. 6. The inhabitants of any township or incorporated village, may make such by-laws concerning the licensing, regulating and restraining of dogs going at large, as they shall deem expedient, and may affix any penalties not exceeding ten dollars, for any breach thereof; but no such by-laws shall extend to any dog not owned or kept in such township, and no person shall be obliged to pay more than two dollars annually for any license granted under the provisions of this chapter.

(1643.) SEC. 7. All money received for the several licenses mentioned in this chapter, shall be paid to the Treasurer, for the use of the township or village, as the case may be.

SEC. 8, 9. (a)

An Act for the Protection of Sheep and other Domestic Animals, and for other purposes.

[Approved March 28, 1850. Laws of 1850, p. 155.]

(1644.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person may kill any dog that he may see chasing, worrying, wounding, or killing any sheep, lambs, swine, cattle, or other domestic animal, out of the inclosure or immediate care of the owner or keeper, unless the same be done by the directions or permission of such owner or keeper; or any dog that may suddenly assault him while he is peaceably walking or riding anywhere out of the enclosure of the owner or keeper of such dog.

(1645.) SEC. 2. If any dog shall have killed or assisted in killing, wounding or worrying any sheep, lamb, swine, cattle, or other domestic animal, or that shall assault or bite, or otherwise injure any person while traveling the highway, or out of the enclosure of the owner or keeper of such dog, such owner or keeper shall be liable to the owner of such property or person injured in double the amount of damages sustained, to be recovered in an action of trespass, or on the case, and it shall not be necessary, in order to sustain an action, to prove that the owner or keeper knew that such dog was

Trial; parties may be examined. accustomed to do such damage or mischief; and upon the trial of any cause mentioned in this section, the plaintiff and defendant may be examined under oath, touching the matter at issue, and evidence may be given as in other cases; and if it shall appear to the satisfaction of the Court by the evidence, that the defendant is justly liable for the damages complained of under the provisions of this act, the Court shall render judgment against such defendant for double the amount of damages proved, and costs of suit; but in no case shall the plaintiff recover more than five dollars costs.

Judgment.

Owner shall cause Dog to be killed. (1646.) SEC. 3. The owner or keeper of any dog which has been chasing, worrying, wounding or killing any sheep, lamb, swine or cattle (not the property of such owner or keeper), out of his enclosure, or which has assaulted or bitten any person while peaceably walking or riding out of the enclosure of the owner or keeper, shall, within forty-eight hours after having received notice thereof in writing, cause such dog to be killed. For every neglect so to do, he shall forfeit the sum of three dollars, and the further sum of one dollar and fifty cents for every forty-eight hours thereafter, until such dog shall be killed, unless it shall satisfactorily appear to the Court before which a suit shall be brought for the recovery of said penalty, that it was not in the power of such owner or keeper to kill such dog. But no recovery shall be had, unless it shall satisfactorily appear that such dog has done the mischief of which such owner or keeper has had notice as aforesaid.

Penalty for neglect.

Supervisor to sue for Penalty. (1647.) SEC. 4. Whenever a citizen of any township where the trespass has been committed, shall make a complaint in writing, verified by his oath or other testimony, to the satisfaction of the Supervisor thereof, that a penalty imposed by the provisions of this act has been incurred, he shall commence a suit for the recovery thereof in his name of office, and prosecute the same with due diligence; and the moneys recovered shall be by him paid into the Township Treasury, to be applied towards the incidental expenses of the township.

Moneys to be paid into Township Treasury.

Sections 8 and 9, Chap. 49, R. S., 1846, Repealed. (1648.) SEC. 5. That sections eight and nine of chapter forty-nine of the Revised Statutes of 1846, are hereby repealed: *Provided*, Such repeal shall not affect any action pending.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER LI.

OF THE DESTRUCTION OF WOLVES, AND OTHER NOXIOUS
ANIMALS.

SECTION

1649. Bounty for killing Wolves, etc.
 1650. Wolf or Wolf's Head, etc., to be taken to Justice.
 1651. Examination of applicant.
 1652. When Certificate to be given.
 1653. Certificate to be delivered to Supervisor.
 1654. Certificate to be laid before Board of Supervisors, etc.
 1655. Duplicate Certificates of Bounties to be delivered to Treasurer, and Bounties paid.

SECTION

1656. One half of Bounties to be charged to State Treasurer, etc.
 1657. Auditor General to examine accounts, etc.; proceedings thereon.
 1658. Sums audited to be paid out of State Treasury.
 1659. Additional Bounties may be allowed by Boards of Supervisors.
 1660. Giving false Certificate a misdemeanor.

Chapter Fifty-One of Revised Statutes of 1846.

(1649.) SECTION 1. Every person, being an inhabitant of this State, who shall kill a full grown wolf, or a wolf's whelp, in any organized township in this State, shall be entitled to a bounty of eight dollars for each wolf over three months old, and four dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided.

(1650.) SEC. 2. Every person intending to apply for such bounty, shall take such wolf or wolf's whelp killed by him, or the head thereof, with the ears and skin entire thereon, to one of the Justices of the Peace of the township within which such wolf or whelp shall have been taken, who shall thereupon associate with him another Justice, or an Assessor, or Commissioner of Highways of such Township, to act with him in deciding upon such application.

(1651.) SEC. 3. The person claiming such bounty shall then be sworn by such Justice, and state on oath the time and place,

when and where every wolf and wolf's whelp, for which a bounty is claimed by him, was taken and killed ; and he shall also submit to such further examination on oath, concerning the taking and killing of such wolf or whelp, as the Justice and officer associated with him may require, and the statement made by him shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making it.

When Certificate
to be given.

(1652.) SEC. 4. If it shall appear to the Justice and officer associated with him, that the wolf or whelp was taken and killed within such township by the person applying for such bounty, and that the mother of any such whelp was not taken before she brought forth the same, they shall cut off and burn to ashes the ears and scalp of such wolf or whelp, and deliver to the person so applying a certificate of the facts, and whether the same was over or under the age of three months when taken, annexing thereto the original affidavit made and subscribed by such person.

Certificate to be
delivered to Su-
pervisor.

(1653.) SEC. 5. Such certificate, with the affidavit annexed, shall, within fifteen days after the date thereof, be delivered to one of the Supervisors of the same county ; and if such Supervisor shall doubt the correctness of the certificate or affidavit, he shall give notice to the person claiming the bounty to give further evidence of the correctness thereof, and shall retain the papers in his hands until such further proof shall be made.

Certificate to be
laid before Board
of Supervisors,
etc.

(1654.) SEC. 6. If such Supervisor shall have no doubt as to the correctness of such certificate and affidavit, or if his doubts shall be removed by further proof, he shall lay such certificate and affidavit before the Board of Supervisors at their next meeting, and if the board shall be satisfied that such certificate and affidavit are just and correct, they shall award to the person to whom such certificate shall have been granted the bounty above specified, and shall cause the certificate and affidavit to be filed with their clerk.

Duplicate Certifi-
cates of bounties
to be delivered
to Treasurer,
and bounties
paid.

(1655.) SEC. 7. Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being signed by their chairman and clerk, shall be delivered to the County Treasurer, who shall thereupon pay to the several persons named in such certificate, out of any moneys in the Treasury for defraying the contingent expenses of the county, the bounties to them respectively allowed.

(1656.) SEC. 8. The County Treasurer shall charge to the

Treasurer of the State the one half of all the bounties allowed by the Board of Supervisors, and shall transmit an account thereof to the Auditor General, accompanied by one of the duplicate certificates received from the Board of Supervisors; and shall also procure and transmit with such account, a certified copy of the original certificates and affidavits filed with the Clerk of the Board of Supervisors, upon which the bounties mentioned in such account shall have been allowed.

One half of bounties to be charged to State Treasurer, etc.

(1657.) SEC. 9. The Auditor General shall examine every account so transmitted to him, and if he shall discover any defect or irregularity, which shall induce him to believe the same ought not to be allowed, he may suspend, in whole or in part, as he may think proper, the payment of such account, until satisfactory proof be made to him, by affidavit or otherwise, of the justice of such account; and if the further proofs produced to him shall not be satisfactory, he shall reject such portion of the account as shall have been suspended, and his decision thereon shall be final and conclusive.

Auditor General to examine accounts, etc.; proceeding thereon.

(1658.) SEC. 10. Every sum audited and allowed by the Auditor General, upon any such account, not exceeding the one half of the bounties allowed by the Board of Supervisors, shall be paid out of the Treasury of the State, to the Treasurer of the county from which such account was transmitted.

Sums audited to be paid out of State Treasury.

(1659.) SEC. 11. The Boards of Supervisors of the several counties of this State shall have power, at the expense of their respective counties, to award and allow such other and further bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction of panthers and other noxious animals within their respective counties, as they may think proper; and the same proof shall be required in such case as is hereinbefore prescribed, and such additional and other bounties, when duly allowed and certified, shall be paid out of the County Treasury. (a)

Additional bounties.

(1660.) SEC. 12. If any Justice of the Peace, or other officer, who shall be applied to for a certificate under the provisions of this chapter, shall willfully give a false certificate in the premises, such Justice or other officer shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year.

Giving false Certificate, a misdemeanor.

CHAPTER LII.

OF THE MANUFACTURE AND SALE OF INTOXICATING DRINKS
AS A BEVERAGE.

SECTION

1661. Sale of Spirituous and Intoxicating Liquors prohibited.
1662. Payment for Liquors sold in violation of this Act, may be recovered back; Securities given therefor void.
1663. Penalty for selling or keeping for sale; Penalties on subsequent convictions.
1664. Penalty for being Common Seller or Manufacturer.
1665. Judgment and Costs to be paid notwithstanding Imprisonment.
1666. Justices and Municipal and Police Courts, to have jurisdiction of prosecutions; How suit to be brought, and by whom.
1667. Witnesses may be required to testify on complaint.
1668. Suit may be commenced by Summons or Warrant; Witness or Jury Fees need not be tendered; Form of Complaint; Circuit Court to have concurrent jurisdiction; Form of declaration; Proof on Trial.
1669. Forfeiture may be recovered by indictment.
1670. Writs of Error and Appeals allowed; Recognizance to be given by Defendant; Prosecuting Attorney to sue for breach, and to prosecute suits for penalties in Circuit Court.

SECTION

1671. Rules and practice, same as in other cases.
1672. Sellers of Drugs and Medicines included in prohibition unless they give Bond; Form of Bond; Bond to be approved; Breach of Bond to be prosecuted; Duty of Druggist when applied to for Liquor; Penalty if applicant make false statement; Druggist not to sell to persons in the habit of getting Intoxicated.
1673. Giving away with intent, etc., deemed selling; Clerks or Agents liable for selling, Soliciting Intemperate Persons to drink punished.
1674. Persons found Intoxicated, required to testify; Questions to be answered; Refusing to answer, how dealt with; Court to make Record of Testimony; Warrant, and proceedings thereon.
1675. Forfeitures, how applied,
1676. Penalty for refusing to serve process, etc.
1677. Manufacture of Alcohol of Commerce not prohibited; Nor Cider and Wine of domestic Apples and Grapes.
1678. This Act not to apply to Liquors Imported under United States Laws, in original packages.
1679. Certain Acts Repealed.

An Act to Prevent the Manufacture and Sale of Spirituous or Intoxicating Liquors as a Beverage.

[Approved February 3, 1855. Took effect May 16, 1855. Laws of 1855, p. 13.]

Sale of Spirituous and Intoxicating Liquors prohibited.

(1661.) SECTION 1. *The People of the State of Michigan enact,*
That no person shall be allowed to manufacture or sell at any time, by himself, his clerks, servant or agent, directly or indi-

rectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except cider, beer, and wine of domestic manufacture, and except also as hereinafter specified. (a)

(1662.) SEC. 2. All payments for such liquors hereafter sold in violation of law, shall be considered as having been received without consideration, and against law and equity, and any money or thing paid therefor may be recovered back by the person so paying the same, his wife or any of his children; and all sales, transfers, grants, releases, quit claims, surrenders, mortgages, pledges, and attachments of real or personal estate, and liens and securities thereon, of whatever name or nature, and all contracts or agreements relating thereto hereafter made, the consideration whereof, either in whole or in part, shall have been the sale, or agreement to sell any such liquor, shall be utterly null and void, against all persons and in all cases, excepting only as against the holders of negotiable securities or the purchasers of property, who may have paid therefor a fair price and received the same upon a valuable and fair consideration, without notice or knowledge of such illegal consideration; nor shall any suit at law, or in equity, be had or maintained, upon any contract or agreement whatever hereafter made, the consideration whereof shall be either wholly or in part the sale of such liquors in violation of law, excepting only when such suit is brought by such *bona fide* holders of negotiable paper, or purchaser of property without notice, nor shall any demand arising upon any such contract or agreement whatever, be offered or allowed as a set-off or defence in any action whatever.

(1663.) SEC. 3. If any person by himself, his clerk, agent or servant, shall, directly or indirectly, sell, or keep for sale contrary to law, any such liquor, he shall forfeit and pay, on the first conviction, ten dollars, and the cost of suit or prosecution, and shall be at once committed to the common jail of the county, until the same be paid. On the second conviction for the like offence, he shall forfeit and pay twenty dollars, and the cost of suit or prosecution, and shall be committed as aforesaid until the same be paid; on the third and every subsequent conviction, he shall forfeit and pay one hundred

3 Mich. Rep. 330.
And see Ibid 348.

Payment for
Liquors sold in
violation of this
Act may be re-
covered back.

Securities given
therefor void.

Penalty for sel-
ling or keeping
for sale.

Penalties on
subsequent Con-
victions.

(a) As Amended by an Act to Amend Act Number Seventeen of the Laws of 1855, entitled, "An Act to prevent the Manufacture and Sale of Spirituous and Intoxicating Liquors as a Beverage," approved February 8, 1856. Approved February 17, 1857. Laws of 1857, p. 442.

dollars and costs; and shall, in addition to such forfeiture, be imprisoned in such jail not less than three, nor more than six months: *Provided*, That on a first or second conviction, such person shall not be held committed for more than two months from the date of the conviction: *Provided*, That it shall in no case be any defence, that the person has been before convicted one or more times, but he may be prosecuted at any time, or any number of times, as for a first offence, if the several prosecutions are for distinct offences.

Penalty for being
Common Seller
or Manufacturer.

(1664.) SEC. 4. Every person who shall be a common seller, by himself, his clerk, agent or servant, of any such liquors, and every person who shall be a manufacturer thereof, shall, on each conviction, forfeit and pay double the amount specified in the last preceding section, with the costs of suit or prosecution; and on the two first convictions, he shall be committed to such common jail until the same be paid, and on the third or any subsequent conviction, he shall, in addition to the forfeiture, be imprisoned in such jail for six months: *Provided*, That a person convicted under this section shall not, on either a first or second conviction, be held committed for more than three months from the date of the conviction.

Judgment and
costs to be paid
notwithstanding
imprisonment.

(1665.) SEC. 5. Notwithstanding such commitment, or such imprisonment, provided for in the two last preceding sections, the sum so adjudged against the person convicted, and such costs, shall be and remain a valid judgment, upon which execution may issue against his property.

SEC. 6, 7. (b)

Justices and Mu-
nicipal and Police
Courts to have
Jurisdiction of
Prosecution.

(1666.) SEC. 8. Any Justice of the Peace of the county, or any Municipal or Police Court of any city or village, shall have jurisdiction and authority to hear, try and determine all cases arising under this act, occurring in any part of the county in which said Justice resides, or in which such Court sits, except for a breach of the recognizance specifically mentioned in section twelve (of which the Circuit Court shall have jurisdiction). The suit shall be brought in the name of the People of the State of Michigan, in an action of debt, and may be instituted by any person who is a resident of such county; and all parties to any such proceedings shall be competent witnesses in the case, except the defendant therein.

(b) Repealed by Act of February 17, 1867. See note (a) They contained the "Search and Seizure Clauses," so called.

Such suit may be instituted by the Prosecuting Attorney of the proper county ; and it shall be the duty of the Common Council, Attorney or Alderman of any city, the Board of Trustees of any village, and each one of them, and of the Supervisor of any township, when any offence under the provisions of this act shall have been committed, who shall have knowledge thereof, or reasonable evidence by affidavit thereof, served upon him, to institute such suit without delay.

(1667.) SEC. 9. Whenever a complainant is required by the provisions of this act to state facts and circumstances for the information of any Court or Magistrate to whom such complaint is made, and he shall be unable of his own knowledge to state sufficient facts and circumstances to authorize the issuing of a warrant, such Court or Magistrate may, after the making of any such complaint, issue subpoenas directed to, and compel in the usual manner, the attendance of witnesses, who may be required to testify to the best of their knowledge concerning such facts and circumstances.

(1668.) SEC. 10. Any suit under this act may be commenced by summons or by warrant, before any Justice of the Peace, or any Municipal or Police Court, and all the proceedings of law relative to process and proceedings in Justices' Courts, in civil actions, and all other provisions of law applicable to such cases, not repugnant to this act, shall, so far as may be, apply to all the proceedings therein ; but it shall not be necessary to pay, or tender any fees to any witness subpoenaed in any case arising under the provisions of this act ; and if such witness shall neglect or refuse to obey such subpoena, an attachment may issue against him as in other cases. It shall not be necessary for either party to advance any jury fees before the rendition of judgment in such cases, or in any case arising under this act.

The following form of complaint shall be sufficient to authorize the issuing of a warrant against person or persons complained of, to wit :

STATE OF MICHIGAN, }
County of } ss.

being duly sworn, says that he is a resident (Super-visor, etc., as the case may be), of the (township, village or city), of in said county, and that he verily believes that

How suit to be brought, and by whom.

Witnesses may be required to testify on Complaint.

Suit may be commenced by Summons or Warrant.

Witness or Jury fees need not be tendered.

Form of Complaint.

Form of Com-
plaint.

did at between the day of A. D.
18 and the day of A. D. 18 not including a
period over thirty days, sell certain (spirituous or intoxicating)
liquors, in violation of an act entitled, "An Act to prevent the
Manufacture and Sale of Spirituous or Intoxicating Liquors as a
beverage," and such complaint shall also set forth the facts
and circumstances upon which such belief is founded.

Circuit Court to
have concurrent
Jurisdiction.

It shall not be necessary to describe in such complaint, or in
the warrant issued thereon, the particular kind of liquor
alleged to have been sold, or to state whether the offence is
the first or any subsequent one, or the day on which, or the
person to whom such liquor was sold. And any suit arising
under this act may be commenced and prosecuted within the
Circuit Court of the proper county, in the same manner and
with the like effect as in other cases; and said Circuit Court
shall have jurisdiction concurrently with such Justices of
the Peace, Municipal or Police Court, to hear, try and deter-
mine such suit. Such action may be commenced in such
Circuit Court by capias, upon filing an affidavit substantially
the same as provided in this section, to be made before Justices
of the Peace. Before such capias shall issue, a declaration
shall be filed in said cause, in substance as hereinafter set
forth, and a copy thereof shall be served upon the defendant
at the same time the capias is served. Special bail shall be
required in double the amount claimed in such declaration.
Any person authorized to institute or commence such suit
may appear therein in person, and prosecute the same, or may
have an attorney or attorneys for such purpose.

The declaration herein mentioned may be in the following
form, to wit:

Form of declara-
tion.

The Circuit Court for the county (or other
court, as the case may be).

County of ss. The People of the
State of Michigan, complain of in an
action of debt, and say that the same justly
owes them the sum of dollars, for a
forfeiture which he has incurred by selling spirituous or
intoxicating liquors (or for whatever offence the suit may be
brought), at in said county, between the
day of A. D. 18 and the
day of A. D. 18 (including a
period of not more than thirty days), in violation of section

of an act entitled, "An Act to prevent the Manufacture and Sale of Spirituous or Intoxicating Liquors as a beverage," wherefore they bring suit.

By Prosecutor (or Attorney).

And if such suit shall be brought for a second or subsequent offence, the following additional averment, in substance, shall be deemed sufficient :

And the said People further say that the said
has heretofore been once (or twice as the case may be)
convicted of the like offence, to wit: at on the
day of A. D. 18 before

On the trial of any such cause, it shall not be necessary to Proof on trial.
aver or prove the sale of any particular kind of liquor by
name, or the day on which, or to whom, it was sold; and proof of
the manufacture, use or sale, or keeping for sale of any mixed
liquors, shall be construed to be included under the description
of spirituous or intoxicating liquors.

(1669.) SEC. 11. Any forfeiture under this act may be Forfeiture may
be recovered by
indictment.
recovered by indictment, as for a misdemeanor; and upon
conviction, the Court shall adjudge and order the defendant to
pay the same sums, to be committed and imprisoned in the
same manner as when the proceeding is by action of debt;
and such judgment, and the execution thereon, shall have the
like effect.

(1670.) SEC. 12. In all actions herein provided for, the Writs of error
and appeals al-
lowed.
prosecutor may take an appeal, or writ of error in the name
of the People of the State of Michigan, upon the same terms
and conditions as if he was plaintiff; and the defendant may
likewise take an appeal or writ of error, and any such appeal
or writ of error shall be taken within the same time, upon the
same conditions, and in the same manner as in any other civil
action: *Provided*, That the defendant, before any appeal or
writ of error shall be allowed or considered as taken, and
within the time for taking such appeal or writ of error, in
addition to any other act or recognizance which may be
required by law, shall enter into a recognizance in the sum of Recognizance to
be given by D
defendant.
two hundred dollars, with two good and sufficient sureties, to
the satisfaction of the Court from the judgment of which such
appeal or writ of error is taken, conditioned that such defendant
will not, during the pendency of such appeal or writ of error,
violate any of the provisions of this act; which recognizance
shall be sent up with the other papers in the case, on an
appeal to the Circuit Court; and in case of a writ of error, it

shall be filed with the clerk of the Court in which said judgment was rendered. It shall be the duty of the Prosecuting Attorney of the county to bring a suit for any breach of the recognizance last mentioned, whenever he shall be informed that the condition thereof has been broken; and it shall be his duty to prosecute all suits arising under this act, brought into the Circuit Court, whether by appeal or otherwise: *Provided*, That he shall in no case have the power to enter a *nolle prosequi* or discontinuance, without leave of the Court, and for reasons therefor, presented to the Court in writing, and filed in the cause.

Prosecuting Attorney to sue for breach, and to prosecute suits for Penalties in the Circuit Court.

(1671.) SEC. 13. In every Court, in actions of debt arising under this act, the powers of the Court, the rules of practice, and the trial and other proceedings shall be the same as in other civil actions, and the costs shall be the same in amount, and taxed in the same manner. In any Municipal or Police Court, the powers of the Court and the whole proceedings shall be the same as in such cases before Justices' Courts, and whenever the Circuit Court is mentioned in this act, the District Court of the Upper Peninsula shall be considered as equally intended.

Rules and practice of Court same as in other cases.

(1672.) SEC. 14. Every seller of drugs and medicines shall be held to be included in all the prohibitions and penalties of this act, against the selling of spirituous or intoxicating liquors, or mixed liquors, a part of which is spirituous or intoxicating, excepting only those persons whose sole or principal business is the selling of drugs and medicines other than intoxicating liquors, who shall in person, with two or more sufficient sureties, give bond to the People of the State of Michigan, and cause the same to be filed in the office of the County Clerk, in the sum of not less than five hundred dollars in any township, or one thousand dollars in any city or incorporated village where he carries on such business; any partners may execute such bond jointly; which bond shall be in the following form: Know all men by these presents, that we as principal, and and as sureties, are held and firmly bound unto the People of the State of Michigan, in the sum of dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this day of A. D. 18 Whereas, the above named principal is now carrying on, and proposes to continue the business of selling drugs and medicines in

Sellers of Drugs and Medicines included in prohibition, unless they give Bond.

Form of Bond.

in the county of and whereas, the said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to wit: that he will not, directly or indirectly, by himself, his clerk, agent or servant, at any time, sell any spirituous or intoxicating liquors, or any mixed liquor, a part of which is spirituous or intoxicating, except to be used as a medicine, as a chemical agent in scientific, mechanical, or manufacturing purposes, or of wine for sacramental purposes. That he will not sell the same to any person who he knows, or has good reason to believe, intends to use it as a beverage, or for any other purposes than such as are herein expressed, or to any person to be drunk, for any purpose upon the premises. That he will not sell any such liquor to a minor, unless upon the written order of his father, mother, guardian, or family physician. That he will keep a book containing a list, in writing, of the names of all persons who shall, from time to time, purchase any such liquor of him, his clerk, agent or servant, and of the persons who act as their agents in such purchase, together with the quantity and kind of liquor purchased on each and every occasion, and the declared object for which the same was purchased; which list shall, on demand, be exhibited to any elector of the township, city or village. And that he will not, in any case, sell or deliver any such liquor, for any purpose whatever, to any person known to him to be an habitual drunkard, or a person in the habit of getting intoxicated. Now the condition of this obligation is such, that if the said principal shall well and truly keep and perform, all and singular, the foregoing covenants and agreements, then this obligation shall be void and of no effect; otherwise, the same shall be in full force and effect.

Signed and sealed in presence of }

[L. S.]

[L. S.]

[L. S.]

Such bond shall afford such principal no protection, unless the approval thereof by the Township Board, or the Board of Trustees, or Common Council of the village or city shall be duly certified thereon, in writing, and he shall not be allowed to sell such liquor in any other place, on pain of forfeiting the same amounts, and being proceeded with in the same manner as if no such bond had been given. Whenever any condition of such bond shall be broken, it shall be the duty of the Prosecuting Attorney of the county to put the same in suit, Bond to be approved.
Breach of Bond to be prosecuted.

and collect the amount thereof by due course of law ; and from the time of such breach, said bond shall afford said principal no protection against any suit or prosecution under this act. It shall be the duty of such seller of drugs and

Duty of Druggist when applied to for Liquor.

medicines, his clerk, agent or servant, whenever applied to to sell any such liquor, to inquire of the person so applying for what purpose or use the same is intended, and it shall be the duty of such applicant to inform him truly ; and

Penalty if applicant makes false statement.

in case such applicant shall, in answer to such inquiry, make a false statement, he shall be liable to the same forfeitures that are provided in section three, for the unlawful selling of such liquors, which forfeitures may be enforced in the same manner and with like consequences, as those mentioned in said section.

Druggists not to sell to persons in the habit of getting Intoxicated.

And if such applicant shall omit or refuse to answer, and such seller of drugs and medicines shall, notwithstanding, sell and deliver to him any such liquors, he shall lose all protection by virtue of such bond, and may be proceeded against in the same manner as if the same had not been given. If any person is in the habit of getting intoxicated, and any member of his family, or three other persons, shall make complaint on oath or affirmation, to any member of the Township Board, Trustee, or Common Council of any township, city, or village, in any county, that said person is in the habit of getting intoxicated, it shall be the duty of said member of the Common Council, Trustee, or Township Board, to make summary inquiry on due notice, to the person charged with being in the habit of getting intoxicated, and if the fact be found as charged in the complaint, forthwith to forbid all sellers of drugs or medicines in such township, village, or city, to sell such person any such liquors, for any purpose whatever ; and if such seller of drugs or medicines shall, after being notified as aforesaid, sell such person any such liquor, he shall be proceeded against for an unlawful sale, as in other cases.

Giving away intoxicating Liquors, etc., deemed unlawful selling.

(1673.) SEC. 15. The giving away of intoxicating liquors, or any other shift or device, with intent to evade the provisions of this act, shall be deemed an unlawful selling, within the meaning of this act, and every person who, as

Clerks or Agents liable for selling.

clerk, agent or servant of another, shall sell any such liquor, shall be deemed equally guilty as his principal, and may be prosecuted for such selling. And if any person shall know-

Soliciting Intemperate persons to drink, punished.

ingly solicit or encourage any person who has previously used intoxicating drinks habitually, or injuriously, to use as a beverage any such liquors ; or if he shall voluntarily, directly

or indirectly, give any such liquors, or cause the same to be given to such person ; or shall, with the intention of having such person drink or use them, place any such liquors, or cause or procure the same to be placed where such person may obtain them to be used as a beverage, such person so offending shall be subject to the penalties and forfeitures provided in this act against selling such liquors.

(1674.) SEC. 16. Whenever complaint shall be made on oath, before any Justice of the Peace in any county, or any Municipal or Police Court of any city or village, that any person is found intoxicated in any tavern, store, shop, public building, street, alley, highway or place, other than a private dwelling house ; or where complaint on oath shall be made before such Justice, Municipal or Police Court, by the wife, or by any child of sufficient age and discretion to make oath, of any person found intoxicated in any dwelling house in such county, it shall be the duty of such Justice, Municipal or Police Court, to issue a subpoena to compel the attendance of such person so found intoxicated as aforesaid, to appear before the Justice or Court issuing the same, to testify in regard to the person or persons, and the time when, the place where, and the manner in which, the liquor producing his intoxication was procured ; and if such person, when subpoenaed, shall neglect or refuse to obey such writ, the said Justice or Court who issued the same shall have the same power and authority to compel the attendance of the person so subpoenaed, and to enforce obedience to such writ, as in other civil cases. Whenever the person so subpoenaed shall appear before the Justice, Municipal or Police Court, to testify as aforesaid, he shall be required to answer on oath the following questions, to wit: When, where, and of whom did you procure, obtain or receive the liquor or beverage, the drinking or using of which has been the cause of the intoxication mentioned in the complaint? And if such person shall refuse to answer fully and fairly such question on oath, he shall be punished and dealt with in the same manner as for a contempt of Court, as in other cases. If it shall appear from the testimony of such person that any of the offences specified in this act have been committed in this State, such Justice or Court before whom such testimony is given, shall make a true record of the same, and cause it to be subscribed by such witness ; and the said testimony or answer, when subscribed as aforesaid, shall be deemed and taken to be sufficient complaint to

Persons found
Intoxicated, re-
quired to testify.

Questions to be
answered.

Refusing to
answer, how
dealt with.

Court to make
Record of testi-
mony.

When Warrant to
issue.

authorize the issuing of a warrant to arrest any person or persons who may appear from said complaint to be guilty of having violated any of the provisions of this act. Any person arrested on a warrant issued pursuant to the provisions of this section, shall be brought before the Justice or Court issuing the same, and all subsequent proceedings in such suit or prosecution shall be governed by, and subject to, the provisions of this act, and all other rules of law applicable thereto.

Forfeitures, how applied.

(1675.) SEC. 17. All forfeitures and sums of money arising under this act, upon any recognizance or bond, after payment of the costs of prosecution or suit, shall be paid over to the Treasurer of the proper county, to be applied to the support of the poor, in accordance with the laws relating to the support of poor persons by counties; and all other fines and forfeitures, arising under this act, shall be paid over and applied according to the Constitution and provisions of law.

Penalty for refusing to serve process, etc.

(1676.) SEC. 18. If any Sheriff, deputy Sheriff, constable, City Attorney, city or village marshal, Prosecuting Attorney, or other person, whose duty it is to serve process, or carry into effect any of the provisions of this act, shall refuse or neglect so to do without good cause, he shall be deemed guilty of a misdemeanor, and on conviction thereof, he shall be fined or imprisoned, as in other cases of misdemeanor; and in addition to such punishment, he may be adjudged to have forfeited his office, and may be removed by competent authority. Whenever the Prosecuting Attorney is mentioned in this act, the District Attorney of the Upper Peninsula shall be considered as equally intended.

Manufacture of Alcohol of Commerce.

(1677.) SEC. 19. This act shall not be construed as prohibiting the manufacture of the alcohol of commerce, containing not less than eighty parts in the hundred of pure alcohol: *Provided*, that the manufacturer shall not be at liberty to sell the same within this State, excepting only to the persons who may have given bonds, pursuant to section fourteen of this act; and any other sale of such alcohol shall be deemed to be within the prohibitions, penalties and forfeitures of this act;

Cider and Wine from domestic Apples and Grapes.

nothing contained in this act shall be construed to prohibit the making of cider from apples, or wine from grapes or other fruits, grown or gathered by the manufacturer thereof (if made in this State and free from all other intoxicating liquors), but in no case shall such cider be sold in a less quantity than ten gallons, or such wine be sold in a less quantity than one

gallon, and sold to be, and be all taken away at one time; and all sales of such cider in less quantity than ten gallons, or of such wine in less quantity than one gallon, or to be drank or used on the premises, shall be an unlawful sale in the meaning of this act, and be punished accordingly.

(1678.) SEC. 20. The provisions of this act shall not be construed to apply to such liquors as are of foreign production, and which have been imported under the laws of the United States, and in accordance therewith, and contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe. To entitle any liquors to the exemption contained in this section, it must be made to appear, by positive proof, that they are of the character in this section described; nor shall Custom House certificates of importation, and proofs of marks on the casks or packages corresponding therewith, be received as evidence that the liquors contained in such packages are those actually imported therein.

This Act not to apply to Liquors Imported under United States Laws, in Original Packages.

Proof.

(1679.) SEC. 21. The act entitled, "An Act prohibiting the Manufacture of Intoxicating Beverages, and the traffic therein," approved February twelfth, one thousand eight hundred and fifty-three, and all laws inconsistent with this act, are hereby repealed, saving all rights of action which may have accrued under either of said acts, and all pending suits under the same, which may be prosecuted to final judgment in the same manner, and with the like effect as if said acts were not repealed.

Acts Repealed.

1853, p. 100.

TITLE XVI.

OF THE ENCOURAGEMENT OF AGRICULTURE.

CHAPTER LIII. Of the State Agricultural Society.

CHAPTER LIV. Of County and Town Agricultural Societies.

CHAPTER LIII.

OF THE STATE AGRICULTURAL SOCIETY.

SECTION	SECTION
1680. State Agricultural Society Incorporated.	1684. Report to be transmitted to Secretary of State.
1681. Its Powers, Privileges, and Liabilities ; What Property it may hold.	1685. Annual Report to be Printed and Bound ; How distributed.
1682. Annual Report of Society.	1686. Certain Laws and Documents donated to Society.
1683. Duties of Officers of Society in conferring Premiums, etc.	

An Act to Incorporate the Michigan State Agricultural Society.

[Approved March 31, 1849. Laws of 1849, p. 225.]

State Agricultural
Society incor-
porated.

(1680.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all persons who now are, or may hereafter become associated for the purposes of this act, are hereby constituted a body corporate by the

name of "The Michigan State Agricultural Society," for the purpose of promoting the improvement of Agriculture and its kindred arts.

(1681.) SEC. 2. For the purposes aforesaid, the Society shall possess the general powers and privileges, and be subject to the general liabilities contained in chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as the same may be applicable, and have not been modified or repealed; but the real and personal estate which the said Society shall be authorized to take, hold, and convey, over and above its library and its scientific and Agricultural collections, shall not, at any time, exceed in amount the value of twenty thousand dollars.

its Powers,
Privileges, and
Liabilities.

See Chap. 73.

What Property
it may hold.

(1682.) SEC. 3. It shall be the duty of the Michigan State Agricultural Society to transmit to the President of the Senate, for the use of the Legislature, in the month of January, *annually*, a report and statement of its proceedings, specifying the nature of the encouragement proposed by it, and the object for which, and persons to whom, premiums have been awarded; embracing also such accurate details of the modes of cultivation, of keeping stock, and of other important incidents, as will acquaint farmers and others with the precise manner in which the valuable results recorded can be again obtained; and presenting such other matter as the Society may judge most useful in promoting a greater and more general progress in practical Agriculture.

Annual Report of
Society.
See Sec. 1684.

SEC. 4. This act shall take effect immediately.

An Act in Aid of the Michigan State Agricultural Society.

[Approved March 31, 1849. Laws of 1849, p. 240.]

SECTION 1. (a)

(1683.) SEC. 2. It shall be the duty of such officers of the Michigan State Agricultural Society, as it may elect for that purpose, annually to regulate and award premiums on such articles, productions and improvements, as they may deem best calculated to promote the agricultural and household manufacturing interests of the State, having special reference to the most economical or profitable mode of competition in

Duties of Officers
of Society in con-
ferring Pre-
miums, etc.

(b) Temporary. It authorized an annual appropriation to the Society from the State Treasury for the first five years, including 1849.

raising the crop or stock, or in the fabrication of the article offered: *Provided, always,* That before any premium shall be delivered, the person claiming the same, or to whom the same shall be awarded, shall deliver to the President of the Society, in writing, an accurate statement and description, verified in such manner as the officers aforesaid may direct, of the character of the soil, and the process of preparing it, including the quantity of manure applied in raising the crop, or the kind and quantity of food in feeding the animal, as the case may be, also the kind and cost of labor employed, and the total expense and total product of the crop, or the increase in value of the animal, with a view of showing accurately the resulting profit.

- SEC. 3. This act shall take effect immediately.

An Act to Provide for Publishing the Annual Report of the Michigan State Agricultural Society.

[Approved April 7, 1851. Laws of 1851, p. 151.]

SEC. 1, 2. (b)

Report to be
transmitted to
Secretary of
State.

(1684.) SEC. 3. The Michigan State Agricultural Society shall transmit to the Secretary of State the Annual Report of said Society for the year eighteen hundred and fifty-one, and every second year thereafter, embracing the same kind of information as is required in the third section of an act entitled, "An Act to Incorporate the Michigan State Agricultural Society," approved March thirty-first, eighteen hundred and forty-nine, any law to the contrary notwithstanding.

An Act Making an Appropriation to Aid the Michigan State Agricultural Society, and to Provide for Publishing the Annual Reports of said Society.

[Approved February 14, 1853. Laws of 1853, p. 189.]

SEC. 1. (c)

Annual Report to
be printed and
bound.

(1685.) SEC. 2. That two thousand copies of the Annual Report of the Michigan State Agricultural Society be printed and bound annually, under the supervision of the Secretary of State, in the same manner and form as the Report of the Superintendent of Public Instruction for the year eighteen hundred and fifty-two; and when so completed, the Secretary

(b) Provided for Publishing the Annual Report of the Society for 1850 and 1851.

(c) Made a temporary money appropriation.

of State shall reserve thirty copies for the use of the State Library, and shall deposit with the Auditor General one copy for each organized township in this State, to be sent by him to each township for the use of the library thereof, and the remaining copies shall be forwarded by the Secretary of State to the Secretary of the Michigan State Agricultural Society, for the use of said Society, under the control of the Executive Committee.

Joint Resolution relative to furnishing certain Laws, Journals and Documents to the Michigan State Agricultural Society for the use of a Library.

[Approved April 1, 1850. Laws of 1850, p. 458.]

(1686.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That the following laws and documents be, and they are hereby donated to the Michigan State Agricultural Society (if it can be done without reprint, or injury to the State Library), to aid said Society in establishing an Agricultural Library, at such place and under such regulations as the Executive Committee thereof may prescribe, viz.: one copy of the Revised Statutes of 1838 and 1846, one copy of the Session Laws, one copy of the joint documents and journals of the Senate and House of Representatives of each Legislature since and including the year 1839, and also one copy of the Session Laws and documents of the present Legislature, and of each successive Legislature; and the Secretary of State is hereby authorized and required to transmit to the Recording Secretary of said Society the above named laws and documents as soon as practicable, who shall receive the same and place them in the Library aforesaid.

Certain Laws and Documents donated to Society.

This joint resolution shall take effect and be in force from and after its passage.

CHAPTER LIV.

OF COUNTY AND TOWN AGRICULTURAL SOCIETIES.

SECTION	SECTION
1687. Where County Agricultural Society raise annually \$100, or more, Supervisors to levy a Tax.	1693. Incorporation of; What property they may hold.
1688. County Treasurer to hold the same subject to order of Supervisors.	1694. Who to be Stockholders.
1689. Moneys to be expended for benefit of County Agricultural Society.	1695. Officers of Societies; Societies may hold Fairs and award Premiums.
1690. Certain Act Repealed.	1696. Number of Societies limited.
1691. Any Citizen of the County may become Member of County Society.	1697. When and how Societies may be authorized to sell Real Estate.
1692. How County and Town Societies may be organized.	1698. Stockholders individually liable for labor.
	1699. Officers to make Report to State Society.
	1700. Act subject to certain Provisions.

An Act for the Encouragement of Agriculture, Manufactures, and the Mechanic Arts.

(Approved March 16, 1849. Laws of 1849, p. 97.)

Where County Agricultural Society raise annually \$100, or more, Supervisors to levy a Tax.

(1687.) SECTION 1. In any county in this State where the inhabitants thereof have organized and established, or may hereafter organize and establish a Society for the encouragement and advancement of Agriculture, Manufactures, and the Mechanic Arts, and shall raise from said Society annually the sum of one hundred dollars or over, for the promotion of the above objects, in said county which fact shall be certified by the President and Secretary of the Society under oath, and a certificate thereof shall be filed with the Clerk of the Board of Supervisors; the Board of Supervisors of said county, at their annual session in each and every year, are hereby required to levy a tax of not less than one fortieth, nor more than one tenth of one mill on the dollar, on the assessment roll of the county, which tax shall be collected and paid to the

Treasurer of the county, in the same manner that other taxes are collected and paid. (a)

(1688.) SEC. 2. The Treasurer of the county shall keep the sum so raised subject to the order of the Board of Supervisors of said county. County Treasurer to hold same subject to order of Supervisors.

(1689.) SEC. 3. The said Board of Supervisors shall draw upon the said Treasurer for the sum so raised, and the same shall be expended, under the direction of said board, for the benefit of said Society in the purchase of premiums, the diffusion of valuable agricultural, manufacturing and mechanical knowledge, or in such other way as shall, in the opinion of the board, be calculated to promote and encourage the important objects above specified. Moneys to be expended for benefit of County Agricultural Society.

(1690.) SEC. 4. The act entitled, "An Act for the Encouragement of Agriculture," approved March second, eighteen hundred and forty-four, is hereby repealed. Certain Act Repealed. 1844, p. 23.

(1691.) SEC. 5. Any citizen of any county in which a Society of the kind above named is or shall be organized, shall have a right to become a member thereof by complying with the rules and regulations of said Society. Any Citizen of the County may become Member of County Society.

SEC. 6. This act shall take effect and be in force from and after its passage.

An Act to Authorize the Formation of County and Town Agricultural Societies.

(Approved February 12, 1855. Laws of 1855, p. 150.)

(1692.) SECTION 1. *The People of the State of Michigan* enact, That any ten or more persons, inhabitants of this State, who shall desire to form a town or county Agricultural or Horticultural Society, in any county, town, city or village of this State, may make, sign and acknowledge duplicate articles of association, before any officer authorized to take acknowledgments of deeds in this State, and file the same in the office of the Secretary of the State Society, and also in the office of the County Clerk of the county in which the business of the Society is to be conducted; in which articles shall be stated the name by which such Society shall be known in law, the particular business and objects of such Society, the number of Trustees, Directors or Managers who shall manage How County and Town Societies may be organized.

(a) As Amended by "An Act to Amend an Act entitled, 'An Act for the Encouragement of Agriculture, Manufactures, and the Mechanic Arts,' Approved March 16, 1849." Approved February 6, 1855. Laws of 1855, p. 26.

the same, and the names of such Directors, Trustees, or Managers thereof, for the first year of its existence.

Incorporation of;
What Property
they may hold.

(1693.) SEC. 2. Upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors, shall thereupon, and by virtue of this act, become a body politic and corporate, by the name stated in such articles: *Provided*, No two Societies shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking and receiving, purchasing and holding real estate for the purpose of their incorporation, but for no other purpose, to an amount not exceeding the sum of twenty-five thousand dollars in value, if a County Society, and ten thousand dollars if a town, village or City Society, and of personal estate for a like purpose, to an amount not exceeding ten thousand dollars, if a County Society, and five thousand dollars if a town, village or City Society; and may make all necessary by-laws for the management of said Society, not inconsistent with the laws of this State or of the United States.

Who to be Stock-
holders.

(1694.) SEC. 3. Any person who shall pay into the Treasury of said Society, annually, in such time and manner as the by-laws thereof shall direct, a sum of money not less than fifty cents nor more than one dollar, and subscribe to the articles of association, shall be a stockholder therein, and entitled to all the privileges and immunities thereof.

Officers of Soci-
ties.

(1695.) SEC. 4. The officers of said Society shall consist of a President, a Secretary and Treasurer, and at least five Directors, and they shall be elected annually by the stockholders of said Society; and said officers shall constitute a board for the management of the concerns of said Society, a majority whereof shall be a quorum; and it shall be the duty of said officers to manage the property and concerns of said Society, as will best promote the interests of Agriculture, Horticulture and Mechanic Arts; and they may hold fairs and exhibitions, and may distribute premiums for the best and most meritorious animals or articles exhibited in these several departments, as shall be by their by-laws and regulations provided.

Societies may
hold Fairs and
award Premiums.

Number of Soci-
ties limited.

(1696.) SEC. 5. There shall be but one County Society in any one county of this State, nor shall there be more than one

Town Society in any one town, village or city, but two or more towns may join and organize a Town Society for such towns. (b).

(1697.) SEC. 6. The said Society may, in case the uses and convenience thereof so require, upon application to the Circuit Court of the county where such Society is organized and located, obtain and have authority to sell, from time to time, the whole or any part of its real estate, the granting of such authority to be in the discretion of the Court, and such application to be made only when authorized by said Society, at an annual meeting thereof, by a vote of not less than two-thirds of the members of such Society present at such meeting, and notice of the intention to vote for such application having been published in some newspaper published in said county, if there be one published, and if not, then in some newspaper published in an adjoining county, once a week for three months next preceding such annual meeting.

When and how
Societies may be
authorized to sell
Real Estate.

(1698.) SEC. 7. The stockholders of all corporations, organized under this act, shall be individually liable for all labor performed for such corporation or association.

Stockholders in-
dividually liable
for labor.

(1699.) SEC. 8. The President, Secretary and Treasurer of said Society shall, on or before the twentieth day of December in each year, make out and transmit to the Secretary of the State Agricultural Society, at his office, a statement of the transactions of said Society for the preceding year, and giving a full detail of the receipts and expenditures thereof, with a list of the premiums awarded, and to whom and for what purpose.

Officers to make
Report to State
Society.

(1700.) SEC. 9. This act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as applicable to associations formed under this act.

Act subject to
certain Provi-
sions.
See Chap. 73.

SEC. 10. This act shall take effect immediately.

(L) As Amended by "An Act to Amend Section Five of an Act entitled, 'An Act to Authorize the Formation of County and Town Agricultural Societies,' Approved February twelfth, eighteen hundred and fifty-five." Approved February 16, 1857. Laws of 1857, p. 398.

TITLE XVII.

OF CORPORATIONS.

- CHAPTER LV. Of Bridge Companies.
 CHAPTER LVI. Of Building and Leasing Companies.
 CHAPTER LVII. Of Burying Grounds.
 CHAPTER LVIII. Of Charitable Societies.
 CHAPTER LIX. Of Gas Light Companies.
 CHAPTER LX. Of Institutions of Learning.
 CHAPTER LXI. Of Libraries and Lyceums.
 CHAPTER LXII. Of Mechanics' Associations.
 CHAPTER LXIII. Of Mining and Manufacturing Companies.
 CHAPTER LXIV. Of Musical Societies.
 CHAPTER LXV. Of Plank Road Companies.
 CHAPTER LXVI. Of Rafting Companies.
 CHAPTER LXVII. Of Railroad Companies.
 CHAPTER LXVIII. Of Religious Societies.
 CHAPTER LXIX. Of Teachers' Associations.
 CHAPTER LXX. Of Telegraph Companies.
 CHAPTER LXXI. Of Train Railways.
 CHAPTER LXXII. Of the Incorporation of Villages.
 CHAPTER LXXIII. General Provisions Relating to Corporations.

CHAPTER LV.

OF BRIDGE COMPANIES.

SECTION

1701. How and upon what conditions Bridge Companies may be organized.
 1702. Certificate of organization what to specify; Where to be filed.
 1703. Company to be Incorporated; Copy Certificate to be evidence.

SECTION

1704. Powers of Company.
 1705. Assent of Board of Supervisors to be obtained before construction of any Bridge.
 1706. Supervisors to fix Rates of Toll; Penalty on Company for taking Illegal Toll; Tolls

SECTION

- to remain fixed ten years ; Minimum of Tolls ; Not to be taken if Bridge out of Repair ; Penalty for so doing.
1707. Penalty for intentional injury to Bridge.
1708. Individual liability of Stockholders.
1709. Corporation to make Annual Report ; Liability for neglect.
1710. Assessment for Taxation ; No Toll to be taken while Tax unpaid ; Forfeiture for violation of this Provision.

SECTION

1711. Stock to be deemed Personal Estate, and how transferable ; Restriction upon use of Corporate Funds.
1712. Legal Process, how served upon Company.
1713. Books to be kept ; Liability of Officers and Agents with respect to books.
1714. Duty of Board of Supervisors when Bridge out of repair.
1715. Act may be amended ; Company subject to general Laws.

An Act to Authorize the Incorporation of Bridge Companies.

[Approved April 4, 1851. Laws of 1851, p. 85.]

(1701.) SECTION 1. *The People of the State of Michigan enact,* How and upon what conditions Bridge Companies may be organized.
That any number of persons may associate for the purpose of constructing a bridge over any stream, not less than three hundred feet across, upon such terms and conditions, and subject to the liabilities prescribed in this act, and to take and receive such amount of toll for the passage of persons, teams, vehicles, and animals across such bridge, as the Board of Supervisors in the county or counties in which such bridge is situated may prescribe, as hereinafter provided.

(1702.) SEC. 2. Such persons, under their hands and seals, Certificate of organization, what to specify.
shall make a certificate, which shall specify :

1. The name assumed to distinguish such company, and to be used in its dealings, and by which it may sue and be sued ;

2. The place where and the stream over which such bridge is to be constructed ;

3. A description of the bridge proposed to be constructed ;

4. A statement of the amount of the capital stock of such Company, and the number of shares into which the capital stock shall be divided ;

5. The names and places of residence of the shareholders, and the number of shares held by each of them respectively ;

6. The term of its existence, not to exceed thirty years ; which certificate shall be proved or acknowledged, as deeds are required to be acknowledged, and recorded in the office of the clerk of the county where such bridge is to be constructed, and a copy thereof filed in the office of the Secretary Where to be filed. of State.

(1703.) SEC. 3. Upon complying with the provisions of the last preceding section, such Company shall be, and is hereby declared to be a body corporate, by the name designated in Company to be incorporated.

Copy Certificate to be evidence. said certificate; and a copy of said certificate, duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all Courts and places, for and against any such Company.

Powers of Company. (1704.) SEC. 4. Such Company shall have power to purchase, receive, hold, and convey such real estate, and such only, as may be necessary for the erection of such bridge and the necessary toll houses, and for effectually carrying on the operations of such association, and may appoint such Directors, officers and agent, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States.

Assent of Board of Supervisors to be obtained before construction of any bridge. (1705.) SEC. 5. No Company formed or created under this act shall construct any bridge across any stream until they shall have obtained the assent of the Board of Supervisors of the county in which the same is to be constructed; and if such proposed bridge is to be constructed partly in two counties, the assent of the Board of Supervisors in each county shall be first obtained as shall be provided by law.

Supervisors to fix rates of Toll. (1706.) SEC. 6. The Board of Supervisors of the county in which [any] such bridge is to be constructed, shall, at the time of granting such assent to the construction of such bridge, or previous to any toll being taken for passing the same, fix and establish the rates of toll to be paid for passing such bridge; and if such bridge shall be situated in more than one county, the Board of Supervisors of each county shall, at the request of the Directors of such Company, and at the expense of the Company, meet on some day to be agreed upon, at the site of such bridge, and shall act as one board, and may appoint their own Clerk and Chairman, in determining such rates of toll; and in either case such rates of toll shall be certified by such board, and a printed copy of such certificate shall be at all times kept up in some conspicuous place on such bridge. And if such Company, or any gate keeper in their employ, shall at any time take or receive any greater sum for toll than shall have been so fixed, such Company shall be liable to a penalty of ten dollars for every such offence, with costs of suit, to be recovered by the person aggrieved. And after said tolls shall have been so fixed, they shall remain fixed for the term of ten years, when they may be again fixed by the Supervisors as aforesaid. But such toll shall not at any time be reduced so that the sum shall amount to less than fifteen

Penalty on Company for taking illegal Toll.

Tolls to remain fixed ten years.

Minimum of Tolls.

per cent. a year upon the cost of the bridge. If any such bridge should at any time be out of repair, so as to render the passage of teams and vehicles dangerous [or] inconvenient, no tolls shall be taken or received for passing over the same, till the same shall be repaired and put in good order. For every violation of this provision, the Company shall forfeit and pay to the party aggrieved a penalty of ten dollars for such violation, together with all damages that may be sustained by reason of such bridge not being kept in repair.

Not to be taken if Bridge out of repair.

Penalty for so doing.

(1707.) SEC. 7. Any person who shall unlawfully or intentionally injure or destroy any bridge, piers, or abutments, or the materials, appurtenances, or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the Court before which conviction shall be had.

Penalty for intentional injury to Bridge.

(1708.) SEC. 8. The stockholders of every Company organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be, or shall become due during the time of their holding such stock, for any labor or services done or performed for such Company; but no stockholder shall be proceeded against for the collection of any debt or demand against such Company, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

Individual liability of Stockholders.

(1709.) SEC. 9. Every such Corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such Company in its business, and the whole amount of money which has at any time been borrowed, and then remaining unpaid; and the amount of tolls received for passing such bridge for the year then last past; which report shall be signed by the President and a majority of the Directors, and shall be verified by the oath of the President or Secretary of such corporation, and filed in the office of the clerk of the county in which any portion of such bridge is situated. And if any such Company shall fail so to do, all the Directors thereof shall be jointly and

Corporation to make Annual Report.

Liability for neglect.

- severally liable for all the debts of the Company then existing, and that shall be contracted before such report shall be made.
- Assessment for Taxation.** (1710.) SEC. 10. The capital stock of such Company shall not be taxed as such; but the bridge, with its appurtenances, gates and toll houses, shall be assessed at its true cash value to the Company by their corporate name, as personal property in the township in which the toll shall be received; and in case such tax shall not be paid before the collecting officer shall be bound to make return of the same, no toll shall be taken after such default of payment, until the same, with interest at twenty-five per cent., shall have been duly paid. For any violation of this provision, any such Company shall forfeit its corporate franchises.
- No Toll to be taken while Tax unpaid.**
- Forfeiture for violation of this Provision.** (1711.) SEC. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the Company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such Company, according to the provisions of this act, until the same shall have been entered upon the books of the corporation, so as to show the names of the parties by, and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferable until all previous calls of assessment thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in, any other corporation.
- Stock to be deemed Personal Estate, and how transferable.**
- Restriction upon use of corporate funds.** (1712.) SEC. 12. Service of any legal process against any such corporation may be made on the President or Secretary, or if neither of them can be found in the county, then upon any one of the Directors of such Company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process with the person receiving tolls at such bridge.
- Legal process; how served upon Company.**
- Books to be kept.** (1713.) SEC. 13. It shall be the duty of the Directors of every such corporation or Company to cause books to be kept by the Treasurer, Secretary, or other officers thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such Company, and showing their places of residence, the number of

shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the office of the receiver of tolls at the bridge, for the inspection of stockholders and creditors of such Company and their personal representatives; and any and every such person shall have a right to make extracts from such book. Such books shall be presumptive evidence of the facts therein stated in favor of the plaintiff, in any suit or proceeding against such Company, or against any one or more stockholders. Every officer or agent of such Company, who shall fail or neglect to make any proper [entry] in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the Company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Liability of Officers and Agents with respect to books.

(1714.) SEC. 14. If any person shall at any time make complaint, in writing, to any Board of Supervisors, and deliver the same to the Clerk of such Board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board or the clerk thereof shall cause notice to be given to the gate keeper or receiver of tolls of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired within such reasonable time as they may think proper; and shall cause notice thereof to be given to some Director, or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated; and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

Duty of Board of Supervisors when Bridge out of repair.

(1715.) SEC. 15. The Legislature may at any time alter or amend this act, and all Companies formed under this act shall at all times be subject to all general laws in force relative to bridge Companies.

Act may be amended. Company subject to general laws.

• SEC. 16. This act shall take effect immediately.

CHAPTER LVI.

OF BUILDING AND LEASING COMPANIES.

SECTION 1716. Companies may be formed under the Act for Mining Corporations.

An Act to Authorize the Formation of Corporations for Building and Leasing Houses and other Tenements.

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 235.]

Companies may
be formed under
the Act for Min-
ing Corporations.

1853, p. 53.

(1716.) SECTION 1. *The People of the State of Michigan enact,* That corporations for the purpose of building and leasing houses and other tenements may be formed under the provisions of an act entitled, "An Act to authorize the formation of Corporations for Mining, Smelting, or manufacturing Iron, Copper, Mineral Coal, Silver, or other Ores or Minerals, and for other manufacturing purposes," approved February 5, A. D. 1853, and shall have and possess all the rights, and be subject to all the liabilities, provided in said act and the acts amendatory thereof. (a)

(a) See Chapter LXIII.

CHAPTER LVII.

OF BURYING GROUNDS.

SECTION	SECTION
1717. How Corporation may be organized.	1734. Corporations may sue, etc., and have Common Seal.
1718. Power to acquire and hold Lands for Burial Grounds.	1735. Existing Corporations may organize under this Act.
1719. What a Right of Burial shall be.	1736. Rights in, not impaired by this Act.
1720. Transfer of Rights of Burial.	1737. Burying Ground may be vacated by Circuit Court; Petition therefor, and notice.
1721. Who to be deemed Stockholders.	1738. Forfeited rights, how disposed of.
1722. Call of Meeting to Incorporate Society.	1739. Rights how sold when Assessments unpaid for fifty years.
1723. Affidavit of Notice of Meeting to be made and filed.	1740. Stockholders may make Assessments.
1724. Officers, and their Election; Future Meetings.	1741. Record of Assessments to be made; Copy for Treasurer.
1725. Officers, how chosen; Time of Meetings to be prescribed by By-Laws.	1742. Notice of Assessment to be published; Forfeiture for non-payment.
1726. Vacancies, how filled.	1743. Duties of Officers to be defined by By-Laws.
1727. Officers to file Acceptance, and Bond if required.	1744. Treasurer's Duty.
1728. Notice to Officers elected.	1745. Form of Record of Right of Burial.
1729. Treasurer to give Bond.	1746. Blanks and Index for Record.
1730. Compensation of Officers.	1747. Price of Rights of Burial to be determined by Stockholders.
1731. Corporation may make By-Laws.	1748. Receipt for payment therefor.
1732. Certificate of organization to be made, filed and Recorded in office of County Clerk.	1749. Certificate of Rights of Burial to purchaser.
1733. Burial Ground to be laid out and Maps made, etc., before issuing Certificate of Rights of Burial.	1750. Corporation may set off Potters' Field.

An Act Relating to Burying Grounds. (a)

[Approved February 12, 1855. Laws of 1855, p. 187.]

(1717.) SECTION 1. *The People of the State of Michigan enact,* How Corporation may be organized.
 That any five or more persons of lawful age may organize themselves into a Corporation, by such name as they shall adopt, for the purpose of acquiring land for a burial ground for the

(a) For prior enactments on the same subject, see Laws of 1840, p. 165; Revised Statutes of 1846, p. 210.

dead, to dispose of rights of burial therein, and to fence, improve, ornament and keep the same in suitable condition, in the manner hereinafter provided.

Power to acquire
and hold Lands
for Burial
Grounds.

(1718.) SEC. 2. Such Corporation shall have power to acquire and hold in fee, in their corporate name, so much land as may be necessary for their burying ground: *Provided*, That no land thus held shall be in any way encumbered by such Corporation: *And Provided, further*, That the purchase price thereof and interest, and cost of fencing, improving and platting the same, shall be paid out of the funds first realized from the sale of rights of burial.

What a Right of
Burial shall be.

(1719.) SEC. 3. A right of burial under this act shall be, in respect to any Corporation organized under this act, the right to bury the dead in and upon a parcel of land of the size specified in the by-laws of any Corporation organized under this act.

Transfer of Rights
of Burial.

(1720.) SEC. 4. Any stockholder in any Corporation organized under this act, wishing to dispose of any right of burial owned by him, shall procure for the purchaser a grant of such right from said Corporation; and at the same time such stockholder shall also relinquish to such Corporation all claim he may have to such right of burial.

Who to be deem-
ed Stockholders.

(1721.) SEC. 5. Any person owning a right of burial derived from any Corporation organized under this act, and having the right to use the same, shall be deemed a stockholder, and shall have the right to vote at all meetings of the stockholders of such Corporation.

Call of Meeting
to Incorporate
Society.

(1722.) SEC. 6. Upon application in writing of any three of the persons aforesaid, to any Justice of the Peace of the county in which such burying ground is to be situated, he shall issue his warrant to either one of said applicants, directing him to call a meeting of the persons wishing to become incorporated, which warrant shall contain the substance of the application, and shall state the time and place of holding the meeting; and such meeting shall be called in obedience to such warrant, by posting up notice thereof, containing the substance of the warrant, in at least two public places in the township, city, or village, in which such burying ground is to be situated, at least ten days before the time of holding such meeting.

Affidavit of No-
tice of Meeting

(1723.) SEC. 7. The person to whom the aforesaid warrant is directed, shall, after having called said meeting, attach to

said warrant a copy of the notice accompanied by his affidavit, ^{to be made and filed.} showing that it is a true copy of the notice posted up by him, and also showing when and where such notices were posted; and the same shall be presented to such meeting, and filed by the clerk elected thereat.

(1724.) SEC. 8. Any five or more persons who shall meet in pursuance of such notice, may choose a President, Clerk, Treasurer, Sexton, and such other officers as they may determine to be necessary, and may also provide for calling future ^{Officers, and their Election.} meetings and filling vacancies. ^{Future Meetings.}

(1725.) SEC. 9. The officers named in the next preceding ^{Officers; how chosen.} section shall be chosen by ballot, and the person having the highest number of votes for any office shall be deemed elected. All the other officers of the Corporation shall be chosen in such manner as shall be prescribed by such Corporation in their by-laws. The time and place of holding meetings for ^{Time of Meetings to be prescribed by By-Laws.} the election of officers and for other purposes, shall also be prescribed in said by-laws.

(1726.) SEC. 10. A majority of the officers required to be ^{Vacancies; how filled.} chosen by ballot, in any Corporation organized under this act, shall have power to fill any vacancy in office by appointment.

(1727.) SEC. 11. All persons elected or appointed to any ^{Officers to file Acceptance, and Bond if required.} office under any Corporation organized under this act, shall, within ten days after such election or appointment, file with the clerk a written acceptance of the office, together with a bond, if required, or said office will be vacant.

(1728.) SEC. 12. Any person attending any meeting for the ^{Notice to Officers elected.} election of officers of any Corporation organized under this act, and elected thereat to any office, shall be deemed to have been duly notified of his election; the Clerk of such Corporation shall, within two days after the election of any person to office, who was not present at the election, notify such person of his election.

(1729.) SEC. 13. The Treasurer shall give a bond to the ^{Treasurer to give Bond.} Corporation, with sufficient sureties, to be approved by the President thereof, for the faithful discharge of his duties, which bond shall be filed with the clerk.

(1730.) SEC. 14. The officers of any Corporation organized ^{Compensation of Officers.} under this act, shall receive such reasonable compensation for their services as shall be allowed by such Corporation at any regular meeting of the stockholders, and no more.

(1731.) SEC. 15. Corporations organized under this act shall

Corporation may make By-Laws. have power to make all needful by-laws and regulations, not inconsistent with this act, as may be necessary to enable them to manage the affairs of such Corporation.

Certificate of organization to be made, filed and recorded in office of County Clerk. (1732.) SEC. 16. Within one week after the organization of any Corporation organized under this act, the clerk shall make out a certificate of the organization of such Corporation, specifying the corporate name thereof, the officers chosen at the first meeting, which certificate shall be signed by the President and Clerk of such Corporation, and forthwith record such certificate in the office of the clerk of the county in which such burying ground is, or may be situated, in a book to be provided and kept by him for that purpose, who shall be entitled to receive seventy-five cents for recording the same.

Burial Ground to be laid out and Maps made, etc., before issuing Certificate of Rights of Burial. (1733.) SEC. 17. Before any Corporation organized under the provisions of this act shall issue certificates of rights of burial, they shall cause their burial ground to be laid out in such form as they may choose, and cause two maps thereof to be made, which maps shall accurately describe the land belonging to such burying ground, its boundaries and location, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent and location of all the streets, alleys, or walks in such burying ground, which maps shall be prepared under the supervision and direction of the President and Clerk of such Corporation, and certified by them to be a correct map of their burying ground. One of the above maps shall be filed with the Clerk of the Corporation, and the other with the County Clerk of the county in which such burying ground is situated ; whereupon said clerk shall give said Corporation a certificate, under his hand and seal of office, showing that such map has been received and duly filed by him, which certificate shall be filed with the Clerk of said Corporation.

Corporations may sue, etc., and have Common Seal. (1734.) SEC. 18. All Corporations organized under this act, shall be capable in their corporate name, of suing and being sued, appealing, prosecuting, and defending, to final judgment and execution, in any of the Courts of this State or elsewhere, and to have a common seal which they may alter at pleasure.

Existing Corporations may organize under this Act. (1735.) SEC. 19. Any burying ground Corporation hereafter [heretofore] organized under any law of this State, upon complying with the provisions of the preceding sections of this act, shall possess all the powers, and be subject to all the restrictions, of Corporations originally organized under this act.

(1736.) SEC. 20. Any right that may have accrued to any member or stockholder of a burial ground Corporation heretofore existing in this State, shall not be affected or impaired by reason of this act. Rights in, not impaired by this Act.

(1737.) SEC. 21. Whenever it may become necessary to vacate any burying ground, the property of any Corporation organized under this act, such Corporation may, by a majority of its stockholders present at any regular meeting, direct the President and Clerk of such Corporation to petition the Circuit Court for the county in which such burying ground is situated, for leave to vacate the same; and such Circuit Court may make such order in the premises as shall be just and proper: *Provided*, No final order shall be made within six months from the time of filing such petition, and due proof of publication of notice of such petition, for twelve successive weeks, in such newspaper as may have been designated by said Court for that purpose. Burying Ground may be vacated by Circuit Court. Petition therefor, and notice.

(1738.) SEC. 22. It shall be lawful for any Corporation organized under this act, to dispose of that part of any forfeited right of burial, which has not been actually used as a repository of the dead, in like manner as if the same had never been granted. Forfeited rights, how disposed of.

(1739.) SEC. 23. Any Corporation organized under this act, may be authorized by the Circuit or District Court of the county, upon the like petition and notice as are required in the twenty-first section of this act, and after six months from the filing of such petition, to redispense of burial rights on which assessment shall have remained unpaid for fifty years or more. Rights how sold when assessments unpaid for fifty years.

(1740.) SEC. 24. A majority of the stockholders of any Corporation organized under this act, at any regular meeting thereof, shall, when necessary, have power to make an assessment upon the stockholders of such Corporation. Stockholders may make assessments.

(1741.) SEC. 25. After an assessment has been made, as provided for in the next preceding section, such Corporation shall cause a record to be made of such assessment, and showing the day when the same was made, with a list of the names of all the stockholders in such Corporation, and the amount assessed to each stockholder; a copy of the assessment shall be furnished by the Clerk to the Treasurer of such Corporation. Record of assessments to be made. Copy for Treasurer.

(1742.) SEC. 26. Within one month from the time of making any assessment, the Clerk of the Corporation making the Notice of assessment to be published.

same, shall cause a notice of such assessment to be published, for twelve successive weeks, in the newspaper printed nearest to the burial ground of such Corporation, which notice shall state when such assessment was made, with a list of the names of all the stockholders in such Corporation, and the amount assessed to each, and directing each stockholder to pay his assessment to the Treasurer of such Corporation; and if any such stockholder shall neglect or refuse to pay any assessment, for six months from the time such assessment was made, all rights of such stockholder under such Corporation shall cease, and all rights of burial owned by him shall revert to said Corporation.

Forfeiture for non-payment.

Duties of Officers to be defined by By-Laws.

(1743.) SEC. 27. The powers and duties of all officers holding office under any Corporation organized under this act, shall be defined by the by-laws of such Corporation, except so far as they are defined in this act.

Treasurer's duty.

(1744.) SEC. 28. It shall be the duty of the Treasurer of any Corporation organized under this act, to receive and safely keep all moneys belonging to such Corporation, and pay them out on the order of the clerk, countersigned by the President of such Corporation.

Form of Record of Right of Burial.

(1745.) SEC. 29. A record shall be kept by each Corporation organized under this act, of the rights of burial disposed of by such Corporation, in the following form :

“ No. The for to them paid by
 of hereby grant unto right of burial
in their grounds, and embracing in reference to this map,
 subject, nevertheless, to assessment and forfeiture, as
provided by law.

Dated 18

Countersigned,

President.

Clerk.”

Blanks and Index for Record.

(1746.) SEC. 30. It shall be the duty of every Corporation organized under this act, to procure a sufficient number of blanks of the form above prescribed, bound in convenient form, with an index in which shall be entered alphabetically the names of the purchasers of rights of burial in the grounds of such Corporation.

Price of Rights of Burial to be determined by Stockholders.

(1747.) SEC. 31. The price of rights of burial in the grounds of such Corporation, shall be determined by the stockholders of such Corporation present at any regular meeting.

Receipt for payment therefor.

(1748.) SEC. 32. Upon payment to the Treasurer of any Corporation organized under this act, the price of any right

of burial determined as above, it shall be the duty of such Treasurer to give the purchaser a receipt therefor, which receipt shall accurately describe the premises on which payment has been made.

(1749.) SEC. 33. Upon presenting to the Clerk of any Corporation organized under this act, a receipt from the Treasurer thereof, in the form prescribed in the next preceding section of this act, it shall be the duty of such clerk to issue a certificate of right of burial, signed by such clerk, and countersigned by the President of such Corporation, in the form prescribed in the twenty-ninth section of this act.

Certificate of
Right of Burial to
purchaser.

(1750.) SEC. 34. Any Corporation organized under this act, shall have power to set off a part of their burial ground as a Potter's Field, and under proper regulations, permit the dead to be buried therein.

Corporation may
set off Potters'
Field.

SEC. 35. This act shall take effect immediately.

CHAPTER LVIII.

OF CHARITABLE SOCIETIES.

SECTION

1751. How Societies may be incorporated; Copy of Articles where to be filed; Meaning of term "Charitable Societies."
1752. Articles of Association, what to contain.
1753. Trustees to be chosen; Officers, and how chosen; By-Laws; Quorum of Trustees; Trustees to be Citizens, etc.

SECTION

1754. Power to hold Real Estate restricted.
1755. How Funds to be used and invested; Restriction as to amount of Property; Other restrictions.
1756. Society may be required by Attorney General or Legislature to make Report; Penalty for neglect.

An Act for the Incorporation of Charitable Societies.

[Approved February 6, 1855. Laws of 1855, p. 28.]

(1751.) SECTION 1. *The People of the State of Michigan enact,* That any three or more persons who may desire to become incorporated for any charitable purpose, may execute under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter

How Societies
may be Incorporated.

Copy of Articles
where to be filed.

specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the Clerk's office of the county or counties in this State in which the office of such Association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose set forth in said articles.

Meaning of term
"Charitable So-
cieties."

"Charitable Societies," within the meaning of this act, shall be construed to include only Societies intended to assist those suffering from any disease, infirmity, or necessity: *Provided, however,* That no person shall, by reason of membership in any such Society, become entitled thereby to any special dividend or benefit out of the funds thereof, depending on such membership.

Articles of
Association, what
to contain.

(1752.) SEC. 2. The articles of this Association shall contain:

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name of such Corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its Trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Trustees to be
chosen.

(1753.) SEC. 3. The affairs of such Corporations shall be managed by not less than five, nor more [than] twenty Trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the

Officers, and how
chosen.

regular officers thereof, except the Treasurer and Secretary, shall form a part of said Trustees, and the said Treasurer and Secretary shall be chosen from such Trustees. The officers may be chosen by the Trustees, or by the members of such

By-Laws.

Corporation, as the articles shall prescribe. The by-laws of such Corporation shall be adopted by the Trustees, who may

Quorum of Trust-
tees.

change them at their pleasure. A majority of the Trustees shall be a quorum to transact business. All of such Trustees

Trustees to be
Citizens, etc.

shall be citizens of the United States, and residents of the State of Michigan.

(1754.) SEC. 4. No such Corporation shall have power to

take or hold any real estate, except such as may be necessary for any hospital or asylum under its control, or for the trans-<sup>Power to hold real Estate re-
stricted.</sup> action of its business, for a longer period than ten years.

(1755.) SEC. 5. All the funds received by any such Corpo-<sup>How funds to be
used and in-
vested.</sup> ration shall be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses) for the exclusive purpose set forth in the articles of Association; and no portion thereof shall be used for any such purpose, except within this State. And no portion of the funds of any such Corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such Corporation. Such Corporation may take, by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars; and it shall be<sup>Restriction as to
amount of Prop-
erty.</sup> lawful to invest the same upon mortgage, or in or by loan, on railroad stocks or bonds, or any city, county, State or Government securities, but no loan shall be made to any Trustee or officer of such Corporation: *Provided*, That any such Corpo-<sup>Other Restric-
tions.</sup> ration may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested; and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles or agreement, then such funds shall only be invested in such securities as are specified in this act.

(1756.) SEC. 6. Any Corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under<sup>Society may be
required by
Attorney Gen-
eral or Legisla-
ture to make
report.</sup> the oath of at least two of its Trustees; and for any neglect to furnish such report when required, all of the Trustees so neglecting shall be liable to a penalty of fifty dollars each, to<sup>Penalty for
Neglect.</sup> be recovered by action of debt, in the name of the People of the State of Michigan.

SEC. 7. This act shall take effect immediately.

CHAPTER LIX.

OF GAS LIGHT COMPANIES.

SECTION	SECTION
1757. Corporate powers of Company.	1765. Stock to be deemed Personal Property ; How transferable.
1758. How Companies may be organized.	1766. How Subscriptions to Stock called in ; Forfeiture and Sale of Stock for non- payment.
1759. Power to acquire Property.	1767. Individual liability of Stockholder ; How contribution may be compelled.
1760. Articles of Association to be Filed and Recorded.	1768. Chartered Companies may organize under this Act.
1761. To be signed and acknowledged ; Contents of Articles.	1769. Rights and liabilities of such new Corpo- ration.
1762. Capital Stock ; How Stock may be in- creased.	
1763. Election of Officers ; Term of office ; How Stockholders to vote at Meetings.	
1764. General powers of Corporation.	

An Act to Authorize the Formation of Gas Light Companies.

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 243.]

Corporate powers
of Company.

(1757.) SECTION 1. *The People of the State of Michigan enact,* All Corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any Court in this State, and may have a common seal, and may alter and amend the same at pleasure ; may elect by ballot a President and three Directors, at the legal meetings as hereinafter provided, and all other necessary officers ; may fix their compensation and determine their duties, and make from time to time such by-laws (not inconsistent with the laws and Constitution of this State), as a majority of the stockholders may direct, at any regular meeting.

How Companies
may be organized.

(1758.) SEC. 2. Any number of persons, not less than five, who shall, by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of engaging in the manufacture and supplying any town, city or village, with gas for lighting the

same, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association; and any such Company so formed shall be entitled to all the privileges conferred, and subject to the requirements by the fifty-fifth Chap. 72. chapter of Revised Statutes of eighteen hundred and forty-six, unless otherwise provided in this act.

(1759.) SEC. 3. Every such Corporation shall, by their name, Power to acquire Property. have power to acquire and hold all such real and personal estate as shall be necessary for carrying on the business of said Corporation.

(1760.) SEC. 4. Before any Corporation formed under this act shall commence business, the President or Directors shall cause their articles of association to be filed with the Secretary of State, and also shall cause said articles of association to be recorded at length in the County Register's office (where said Company is located), in the book of miscellaneous records, and it is hereby made the duty of the Register to record the said article upon the payment of the usual recording fees. Articles of Association to be filed and Recorded.

(1761.) SEC. 5. The articles of every such Association shall To be signed and acknowledged. be signed by the persons so associating in the first instance, and acknowledged before some person authorized by law to take the acknowledgment of deeds; shall state the name of Contents of Articles. said Company by which it shall be known; the object for which such Company shall be formed; the amount of capital stock of said Company; the number of shares of which said stock shall consist, and the name of the town, city or village, and county, in which the operations of said Company are to be carried on; the name of the stockholders, their respective residences, and the number of shares held by each person.

(1762.) SEC. 6. The amount of capital stock in every such Capital Stock. Corporation shall be fixed by the stockholders, in their articles of association, but shall in no case be less than ten thousand dollars, nor more than five hundred thousand dollars. Said How Stock may be increased. stock may be increased from time to time, as may be directed by the stockholders, subject to the foregoing restriction; and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders, as required by section four of this act, and all the stock of said Company shall be divided into shares of fifty dollars each.

(1763.) SEC. 7. The officers shall be elected by the stock- Election of Officers. holders, when fifty per cent. of the stock shall be subscribed,

- and ten per cent. of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by at least three stockholders ;
- Term of Office.** and the officers elected shall hold their office one year, and until their successors are elected ; said officers shall have the general superintendence of the affairs of the Company, and the management of the business, and may call special meetings of the stockholders, and a majority of the stockholders shall constitute a quorum at all meetings, and at all meetings each share shall be entitled to one vote.
- How Stock-holders to vote at Meetings.** (1764.) SEC. 8. Any Corporation formed under this act, shall have full power to manufacture and sell, and to furnish such quantities of gas as may be required in the city, town or village where said Corporation is located, for public or private buildings, or for other purposes ; and such Corporation shall have power to lay conductors for conducting gas through the streets, lands or squares of any city, town or village where said Corporation is located, with the consent of the municipal authorities of said city, town or village, under such reasonable regulations as they may prescribe, and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.
- General Powers of Corporation.** (1765.) SEC. 9. The stock of every such Corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder, on the full amount of his subscription being paid in ; the said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the Company, in such form as the Director shall prescribe ; and it shall be the duty of the Directors to make out a written statement of all the stockholders and the amount of stock held by each, when legally called upon by the proper assessing officer.
- Stock to be deemed Personal Property.** (1766.) SEC. 10. The Directors may call in subscriptions to the capital stock of such Corporation by instalment, in such portions as they deem best, by giving notice thereof as provided by the by-laws ; and in case any stockholder refuses or neglects to pay any such instalment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the Directors, at public auction at the office of said Company, after thirty days' notice, published in some newspaper in the county where
- How Transferable.**
- How Subscriptions to Stock called in.**
- Forfeiture and Sale of Stock for non-payment.**

the Corporation is located ; and the proceeds of said sale shall be first applied in payment of the instalment called for, and the expense on the same, and the residue shall be refunded to the former owner thereof, and such sale shall entitle the purchaser to all the privileges of a stockholder, to the extent of the shares so bought.

(1767.) SEC. 11. The stockholders of all Corporations organized under this act, shall be individually liable for debts contracted by said Corporation during the time they were stockholders as aforesaid ; which said liability may be enforced against any stockholder founded on this Statute, at any time after an execution shall be returned not satisfied against said Company : *Provided, always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Individual liability of Stockholders.

Const. Art. 18, Sec. 7.

How contribution may be compelled.

1768.) SEC. 12. Any Gas Light Company organized and doing business under any special charter, may at any time, by a vote of two-thirds in interest of its stockholders, dissolve its organization, and organize under this act ; and any Company so organizing under this act, shall have the right in preference to any other Company, to assume the name by which it was known in its former charter : *Provided,* It perfects its organization within sixty days after dissolving and throwing up its special charter ; and after perfecting its organization under the provisions of this act, it shall be entitled to all the rights, privileges, and immunities therein contained.

Chartered Companies may organize under this Act.

(1769.) SEC. 13. All rights of creditors, and all liens upon the property of said Company so dissolving its organization, shall be, and hereby are preserved unimpaired ; and said Company shall continue to exist so far as may be necessary to enforce the same. And all debts, liabilities and duties of said Company, shall thenceforth attach to such new Corporation, and be enforced against it to the same extent, and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

Rights and liabilities of such New Corporation.

CHAPTER LX.

OF INSTITUTIONS OF LEARNING.

SECTION	SECTION
1770. How may be Incorporated ; Articles of Association, what to set forth and when to be filed ; Powers of Corporation.	1776. Funds, how to be applied.
1771. Certified copy of Articles and Affidavit made evidence.	1777. Officers may be required to give Bond, etc.
1772. Additional powers of College or Seminary Incorporated under this Act.	1778. Trustees to report to Superintendent of Public Instruction ; Liability of Trustees for labor performed.
1773. Effect of Diploma.	1779. How service of process to be made on Corporation.
1774. Additional powers of Trustees of Academy Incorporated under this Act.	1780. Existing Institutions may become Incorporated under this Act ; Rights, Powers and Liabilities of such New Corporation.
1775. Corporation subject to Visitation and Examination.	1781. Restriction upon powers of Corporation.

An Act to Provide for the Incorporation of Institutions of Learning.

(Approved February 9, 1855. Laws of 1855, p. 51.)

How may be Incorporated.

(1770.) SECTION 1. *The People of the State of Michigan enact*, That any number of persons not less than five, may become a Corporation for the purpose of founding and establishing a College, Seminary, Academy, or other Institution of Learning, by complying with the provisions of this act. When stock, legacies, bequests or donations, to the amount of thirty thousand dollars for any such College, or five thousand dollars for any such Seminary, Academy, or other Institution of Learning, so intended to be founded and established, shall be in good faith subscribed or given, and twenty per cent. thereon actually paid in, as herein required, such persons may elect Trustees for such College, Seminary, Academy, or other Institution of Learning ; and thereupon said Trustees shall severally subscribe articles of association, in which shall be set forth the name, character, and object of the Corporation, the amount of capital stock so subscribed, bequeathed,

Articles of Association, what to set forth and where to be filed.

donated or given, and the amount paid in ; the names and place of residence of the Trustees ; the length of time they shall continue in office, not to exceed thirty years ; the manner in which their successors shall be elected, who shall not be less than five, nor more than thirty-five, and the place where such College or other Institution is to be located. Said articles of association, when subscribed as aforesaid, may be filed in the office of the Secretary of State ; but such articles shall not be so filed until there is annexed thereto an affidavit, made by at least three of such Trustees, that the amount of stock required by this section has been in good faith subscribed, and that twenty per cent. thereon has been paid in ; and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such Institution, or if said articles of association so declare, the Trustees elected as herein provided, shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation or devise, and of purchasing, holding and conveying any real estate or personal property whatever, for the purpose of founding, establishing and conducting any such College, Seminary, Academy, or other Institution of Learning.

(1771.) SEC. 2. A copy of any such articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all Courts and places, be presumptive evidence of the incorporation of such institution, and of all the facts therein stated.

(1772.) SEC. 3. The Trustees of any College or Seminary, incorporated under the provisions of this act, besides the general powers and privileges of a Corporation, shall have power :

1. To elect their own chairman or clerk ;
2. Upon the death, resignation, or other vacancy in the office of any Trustee, to elect another in his place ;
3. To declare vacant the seat of any Trustee who shall absent himself from five successive meetings of the board ;
4. To take and hold, by gift, grant, or devise, any real or personal property, the annual income or revenue of which shall not exceed twenty-five thousand dollars ;
5. To sell, mortgage, let, or otherwise use such property,

in such manner as they shall deem most conducive to the educational interests of such Corporation ;

6. To direct and prescribe the course of study and discipline to be observed in the College, Seminary, or Academy : *Provided*, That no religious test whatever shall be required of any pupil in such institution ;

7. To appoint a President, Professors, Tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the Trustees ;

8. To grant such literary honors as are usually granted by any such College, or similar institutions in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signatures of such officers of the institution as they may deem expedient : *Provided*, That the course of study pursued in such College be, in all respects as thorough and comprehensive as is usually pursued in similar institutions in the United States ;

9. To ascertain and fix the salaries of the President, Professors, and other officers and agents ;

10. And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Effect of Diploma.

(1773.) SEC. 4. Every diploma granted by such Trustees, shall entitle the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any similar institution in the United States.

Additional powers of Trustees of Academy incorporated under this act.

(1774.) SEC. 5. The Trustees of any Academy incorporated under the provisions of this act, besides the general powers and privileges of a Corporation, shall have power :

1. To take and hold, by gift, grant, subscription, bequest, or devise, any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars ;

2. To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of such Academy ;

3. To direct and prescribe the course of study and discipline in such Academy ;

4. To appoint a Treasurer, Clerk, Principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the pleasure of the Trustees ;

5. To ascertain and fix the salaries of all the officers of the Academy ;

6. To make all ordinances and by-laws necessary to carry into effect the foregoing powers.

Corporation sub-

(1775.) SEC. 6. Any institution incorporated under the

provisions of this act, shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors [three in number], to be annually appointed by said Superintendent; and said visitors shall report to said Superintendent as soon after an examination as practicable.

(1776.) SEC. 7. The Trustees of any institution incorporated under the provisions of this act, shall apply all funds and property belonging thereto, according to their best judgment, to the promotion of its objects and interests: *Provided*, That any gift, bequest or donation to such institution for any specific object, shall be faithfully applied to the object specified by such donor.

(1777.) SEC. 8. The Trustees of any institution incorporated under the provisions of this act, may require the Treasurer, and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient.

(1778.) SEC. 9. Such Trustees shall be required, on or before the first day of December, annually, to report to the Superintendent of Public Instruction, a statement of the name of each Trustee, officer, Teacher and student of such institution, with a statement of its property, the amount of stock subscribed, donated and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations. And said Trustees shall be severally and jointly liable for all the labor performed for the Corporation; but no execution shall issue against any Trustee, till an execution against the Corporation shall have been returned unsatisfied, in whole or in part; and no such Trustee shall be thus liable, unless suit for the collection of such debt shall have been brought against said Corporation within one year after such debt shall have become due.

(1779.) SEC. 10. Service of legal process on any such Corporation, may be made on any one of the Trustees thereof, if such Trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

(1780.) SEC. 11. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this act, by complying with the provisions of this act; and may, by a vote of the majority of such Corporation or unincorporated Company or association, to be taken

Rights, Powers
and Liabilities of
such New Corpo-
ration.

according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may, by a like vote, transfer to such Corporation, formed under this act, all its property, both real, personal and mixed; and thereupon said Corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect as the same was previously owned and held by the Corporation, Company, or association so transferring the same, and may, in its own corporate name, sue for and collect all debts, dues, demands, subscriptions, devises, and bequests thereof. The said Corporation so taking such property as aforesaid, shall take the same subject to all liens, trusts, and limitations, both legal and equitable, to which the same was subject before such transfer, and shall also be liable for all the debts and obligations of such previous Corporation, Company or association, and shall pay the same to the full extent of the value of such property at the time of so taking the same.

Restriction upon
powers of Corpo-
ration.

(1781.) SEC. 12. Nothing in this act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to, or exercised by institutions for educational purposes.

This act shall take effect immediately.

CHAPTER LXI.

OF LIBRARIES AND LYCEUMS.

OF LIBRARIES.		SECTION	
SECTION		1785. Bond of Collector and Treasurer.	
1782. Meeting of Proprietors to form Corporations, how called.		1786. Certain powers of Corporation.	
1783. Proprietors may choose Officers.		OF LYCEUMS.	
1784. Powers and Privileges of Corporation.		1787. Lyceums, how organized, etc.	

Chapter Fifty-Three of Revised Statutes of 1846.

OF LIBRARIES.

Meeting of Pro- (1782.) SECTION 1. Any seven or more proprietors of a

Library may form themselves into a Corporation, under such corporate name as they may adopt, for the purpose of enlarging, regulating and using such Library; and for that purpose any Justice of the Peace may, on the application of five or more of the proprietors, issue his warrant to one of them, directing him to call a meeting of the proprietors at the time and place expressed in the warrant, for the purpose of forming such Corporation, and such meeting shall be called by posting up a notice containing the substance of such warrant, in at least two public places in the township where such Library is kept, at least seven days before the time of meeting.

(1783.) SEC. 2. Any seven or more of the proprietors of such Library, met in pursuance of such notice, may choose a President, a Clerk, a Librarian, Collector, Treasurer, and such other officers as they may deem necessary; and they may also determine upon the mode of calling future meetings of the proprietors; and the proceedings of such first meeting, containing a specification of the corporate name adopted by such proprietors, shall be certified by the Clerk of such Corporation, and recorded by the County Clerk of the county within which the same is formed, who shall be entitled to receive seventy-five cents for recording the same.

(1784.) SEC. 3. When such proprietors shall be organized as a Corporation in the manner hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a Corporation, according to the provisions of chapter fifty-five, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this chapter.

(1785.) SEC. 4. The Treasurer and Collector shall give bond to such Corporation, with sufficient sureties, to the satisfaction of the President, for the faithful discharge of their duties.

(1786.) SEC. 5. The said proprietors may raise such sums of money, by assessment on the shares, as they shall judge necessary for the purpose of preserving, enlarging and using the Library; and the shares may be transferred according to such regulations as they may prescribe, and such Corporation may hold real and personal estate to any amount not exceeding five thousand dollars, in addition to the value of their books.

OF LYCEUMS.

Lyceums, how
organized, etc.

(1787.) SEC. 6. Any fifteen or more persons, in any township or county within this State, who shall, by writing, associate for the purpose of mental improvement, and the promotion of education, may form themselves into a Corporation by the name of "The Lyceum of _____," (the name of the place where the meetings of the Corporation are to be holden), by calling their first meeting and being organized in like manner as is provided in this chapter, in the case of Library Corporations, and every Lyceum, upon becoming a Corporation as aforesaid, shall have, during the pleasure of the Legislature, all the like rights, powers and privileges, as the proprietors of such Libraries, and may hold real and personal estate, not exceeding six thousand dollars.

CHAPTER LXII.

OF MECHANICS' ASSOCIATIONS.

SECTION

- 1788. Association may be Incorporated.
- 1789. Articles of agreement to be entered into;
To be Recorded and Filed.
- 1790. What Articles to contain.
- 1791. Rights, Powers and Privileges of Corporation.
- 1792. How affairs of Association managed.
- 1793. Not to hold Real Estate except for certain
purposes.
- 1794. How Funds to be used; Restriction upon
amount of Property.

SECTION

- 1795. Report to be made when required by Attorney General or Legislature; Penalty
for neglect.
- 1796. How Associations may consolidate with
any now Incorporated.
- 1797. What agreement for consolidation to contain.
- 1798. Libraries may be maintained by Association.

An Act to Provide for the Incorporation of Mechanics' Associations.

[Approved February 17, 1857. *Laws of 1857*, p. 468.]

Association may
be Incorporated.

(1788.) SECTION 1. *The People of the State of Michigan enact,*
That Associations may be formed and incorporated for the

purposes of promoting the Mechanic Arts in this State, for the relief of distressed mechanics, whether members of any such Association or otherwise, and for such other charitable purposes as may be deemed proper by such Association, connected with the Mechanical and Architectural Arts.

(1789.) SEC. 2. That any six or more persons, residents of this State, desirous to become incorporated for the above named objects, may execute under their hands, and acknowledge before some officer of this State, having authority to take the acknowledgment of deeds, articles of agreement as hereinafter specified, one copy whereof, verified by the affidavit of two or more of the Trustees, shall be filed and recorded in the office of the Secretary of State, and another, verified in the same manner, in the office of the County Clerk of the county in which their place of business shall be; and upon the execution of such articles of agreement, the acknowledgment thereof, and the filing of such copies as aforesaid, the parties signing the same, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes aforesaid.

Articles of agreement to be entered into.

To be Recorded and Filed.

(1890.) SEC. 3. Such articles of Association shall contain: What Articles to contain.

1. The names of the persons associating in the first instance, and their places of residence;

2. The name of such Corporation, and the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years;

3. The purposes for which it is incorporated, mentioned in the first section of this act;

4. The number of Trustees and regular officers, and the time of holding its annual meetings;

5. The terms and conditions of membership therein.

(1791.) SEC. 4. Every Association formed under this act shall have all the rights, powers and privileges granted by, and shall be subject to all the provisions of chapter number fifty-five, in title number ten of the Revised Statutes, so far as the same are not repugnant to the Constitution or to this act.

Rights, Powers and Privileges of Corporation.

Chapter 73.

(1792.) SEC. 5. The affairs of such Association shall be managed by not less than five, nor more than nine Trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors shall be chosen; a Treasurer shall be appointed from the number of Trustees, and the other regular officers shall be members of the Association. A

How affairs of Association managed.

majority of the Trustees shall be a quorum to transact business, and they may adopt such by-laws, not repugnant to this act or to such articles of Association, as they may see fit, and change the same at pleasure.

Not to hold Real Estate except for certain purposes.

(1793.) SEC. 6. No such Association shall have power to take or hold any real estate, except such as may be actually occupied in the exercise of its franchises, and except such as it may acquire in security for, or satisfaction of debts justly due it.

How Funds to be used.

(1794.) SEC. 7. All funds received by such Association shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, exclusively for the purposes, or some of them, mentioned in the articles of Association. Such Association may take by gift, subscription, purchase or devise, money to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage or by loan in railroad stocks or bonds, or any city, county, State or Government securities; but no loan shall be made to any Trustee or officer of such Association: *Provided*, That any such Association may, in its articles of agreement, designate the kinds of securities in which its funds may be invested, in which case, no part of its funds shall be invested in any securities other than named in its articles.

Restriction upon amount of Property.

Report to be made when required by Attorney General or Legislature.

(1795.) SEC. 8. Any such Association, whenever required by the Attorney General or the Legislature, shall report to him or them under the oath of at least two of its Trustees, a full and true statement of its condition and affairs; and for any willful neglect to make such report within a reasonable time after the same is so required, the Association shall be liable to pay to the People of this State a fine of fifty dollars; or, if the Attorney General shall so elect, or be instructed by the Governor, he may proceed against such Association, by information, to forfeit its charter for such neglect.

Penalty for neglect.

How Associations may consolidate with any now incorporated.

(1796.) SEC. 9. Any Association or Society now incorporated for any of the above purposes, or hereafter to become incorporated under this act, may become consolidated with any one created by virtue of this act, into a single Corporation, which may be done by the vote or resolution of a majority of the members of each, at a meeting called for that purpose, a copy of which vote or resolution, signed by the presiding officer and Secretary of such meeting, and verified by their affidavit, shall be filed in the office of the Secretary of State, and

another signed and verified in like manner, shall be filed in the office of the County Clerk of the county where their place of business is. And upon such filing and an agreement entered into, and copies thereof filed as hereinafter provided, said Corporations shall thereby become one Association under this act, to be called and known by such name as shall be given it in said agreement, but subject to the provisions of this act, and entitled to the same franchises and privileges as if it had been formed without such consolidation.

(1797.) SEC. 10. Such agreement shall contain :

What agreement
for consolidation
to contain.

1. The terms and conditions of such consolidation, and the disposition of the corporate property of each ;

2. The name of the Association thereby formed, the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years ;

3. The purposes set forth in the first section of this act ;

4. The number of Trustees and regular officers, and the time of holding its annual meetings ;

5. The terms and conditions of membership therein ; which agreement shall be executed and acknowledged, and copies thereof signed, verified, filed, and recorded, as provided in the first section of this act: *Provided, however,* That for the purposes of paying and enforcing the payment of its debts and liabilities, and the protection of all the rights of creditors and claimants, the members and the property of each such Association shall be subject to the same remedies as if such consolidation had not taken place.

Proviso.

(1798.) SEC. 11. All Societies or Associations, organized as aforesaid, shall have the right to keep and maintain libraries, and make all needful by-laws for the good government and regulation of the same.

Libraries may be
maintained by
Association.

SEC. 12. This act shall take immediate effect.

CHAPTER LXIII.

OF MINING AND MANUFACTURING COMPANIES.

SECTION

- 1799. Powers of Corporations.
- 1800. How Corporations formed.
- 1801. Articles of Association to be Filed with Secretary of State and County Clerk, etc.
- 1802. Articles to be signed and acknowledged; What to be stated therein.
- 1803. Annual Report to be made by Corporation; What to be stated therein.
- 1804. Amount of Capital Stock limited; How increased.
- 1805. Purposes of Corporation to be specified in Articles of Association.
- 1806. Call of First Meeting.
- 1807. Directors of Corporation, and their term of office.
- 1808. Directors to choose President, and other Officers; Vacancies how filled.
- 1809. Provisions relative to subscriptions to Capital Stock; Stock of delinquent Stockholders how sold.
- 1810. Quorum at Meetings of Directors and Stockholders; How Stockholders may vote.
- 1811. Provision in case of failure in Annual Election.
- 1812. Books of account to be open for inspection, etc.
- 1813. Power to hold Real and Personal Estate.
- 1814. Stock to be deemed Personal Property; Corporation to have lien upon Stock for debts due from Members.
- 1815. When Stockholders individually liable; How liability enforced.
- 1816. Annual Reports of Mining Companies.
- 1817. Annual Reports of Manufacturing Companies.
- 1818. Specific Taxes of Mining Companies; When and where paid.
- 1819. Specific Taxes of Manufacturing Companies; When and where paid.
- 1820. Service of process, how made on Corporation.
- 1821. Liability of Directors for neglect to comply with certain Provisions.

SECTION

- 1822. Penalty for willful violation of Provisions.
- 1823. Legislature may rescind powers of Corporation; May Amend or Repeal this Act.
- 1824. Act to be subject to certain General Provisions.
- 1825, 1833. Companies may have Business Office out of State; But shall also have an office in this State.
- 1826. First Meeting of Companies with office out of State, where held.
- 1827. Stock forfeited, where to be sold; and Notice of Sale how published.
- 1828. Certain Meetings and Corporate Acts Legalized.
- 1829. Companies under Special Charter may dissolve and organize under this Act.
- 1830. Capital may be increased; Number of Shares limited.
- 1831. Companies may take Stock in Plank Road or Railroad Companies.
- 1832. Statement of amount to be returned to the State Treasurer.
- 1834. Offices heretofore established, confirmed; Proviso.
- 1835. Certain Meetings and Corporate Acts Legalized.
- 1836. Taxation of Mining Companies.
- 1837. Powers of Corporation to increase Stock; Limitation of Shares.
- 1838. Increase not to take effect until Corporation has accepted Provisions of this Act.
- 1839. Mining Corporations may consolidate.
- 1840. Assent of majority of Stockholders necessary.
- 1841. Corporation purchasing may call in and cancel its prior Stock, and issue New Stock.
- 1842. Corporation purchasing liable for dues of Corporation selling.
- 1843. Capital Stock not to be increased by virtue of this Act.

An Act to Authorize the Formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper, Mineral Coal, Silver or other Ores or Minerals, and for other Manufacturing Purposes. (a)

(Approved February 5, 1853. Laws of 1853, p. 53.)

(1799.) SECTION 1. *The People of the State of Michigan enact,* Powers of Corporations.
All Corporations organized and established under the provisions of this act, shall be capable of suing and being sued, in any Court in this State, and may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make, from time to time, such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall direct.

(1800.) SEC. 2. Any number of persons, not less than three, How Corporations formed.
who shall, by articles of agreement, in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of engaging in, and carrying on any kind of mining or manufacturing business, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association: *Provided*, no two Companies shall assume the same name.

(1801.) SEC. 3. Before any Corporation formed under this act shall commence business, the President and Directors Articles of Association to be filed with Secretary of State and County Clerk, etc.
shall cause their articles of association to be filed with the Secretary of State of this State, and with the County Clerk of the county or counties in which such Corporation shall conduct its mining or manufacturing business; which said articles shall be recorded in said office at length, in books prepared for that purpose at the expense of said Corporation.

(1802.) SEC. 4. The articles of every such Association shall Articles to be signed and acknowledged.
be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:

(a) A less comprehensive Act, "To Authorize the formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper or Silver Ores," will be found in the Laws of 1851, p. 179; amended the same year, p. 327.

Certain Meetings
and Corporate
Acts legalized.

(1835.) SEC. 3. All meetings, and all corporate acts of any incorporated Mining Company, heretofore had or done without the limits of this State, and in the United States, shall be held, and are hereby declared to be as lawful and binding, as if the same had taken place within this State; but nothing herein contained shall be construed to create any forfeiture of the rights of any stockholder to his stock or property in such Corporation.

Taxation of Min-
ing Companies.

(1836.) SEC. 4. In lieu of the specific tax on their corporate stock now provided for by law, all chartered Mining Companies, chartered by this State, shall hereafter be subject to the payment of specific taxes, in the manner and to the extent set forth in section twenty, of an act entitled, "An Act to authorize the formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper, Mineral Coal, Silver, or other Ores or Minerals, and for other Manufacturing purposes," approved February 5, 1853.

An Act to Authorize Mining Corporations to Increase the Number of Shares into which their Capital Stocks may be Divided.

[Approved February 9, 1857. Laws of 1857, p. 186.]

Powers of Corpo-
ration to increase
Stock.

(1837.) SECTION 1. *The People of the State of Michigan enact,* That all Mining Corporations heretofore created by special acts of incorporation passed by the Legislature of this State, and duly organized under the same, shall have authority, each respectively, to increase the number of shares into which their capital stocks are divided, to such number as they may see fit: *Provided,* That no Company shall divide its capital stock into more than twenty thousand shares, nor shall the capital stock of any such Company be increased by this act. (c)

Limitation of
Shares.

Increase not to
take effect until
Corporation has
accepted provi-
sions of this Act.

(1838.) SEC. 2. No increase of the shares of the capital stock of any Mining Corporation shall take effect under this act, until such Corporation shall have accepted of its provisions, by resolution of the Board of Directors, and shall have filed in the office of the Secretary of State a certified copy of such resolution, and also a certificate of the Secretary of such

(c) As Amended by an "Act to Amend an Act entitled, 'An Act to Authorize Mining Corporations to increase the number of Shares into which their Capital Stock may be divided.' Approved and in force February 17, 1857. Laws of 1857, p. 462." The Amendment merely struck out the following proviso at the end of the section: *And Provided further,* That the said Shares shall not be reduced below twenty-five dollars each.

Corporation, showing the number of shares into which its capital stock is to be divided under this act.

SEC. 3. This act shall take immediate effect.

An Act to Authorize the Consolidation of Mining Companies.

[Approved February 17, 1857. Laws of 1857, p. 437.]

(1839.) SECTION 1. *The People of the State of Michigan enact,* Mining Corporations may consolidate.
That any Mining Corporation organized under the act, approved February fifth, eighteen hundred and fifty-three, for authorizing the formation of Mining Corporations, is hereby authorized to consolidate with, and purchase from any other Mining Corporation organized under said act, all its property, rights and franchises, upon such terms as shall be mutually agreed upon; and the stockholders of the Corporation whose property, rights and franchises are thus purchased, shall become stockholders of the Corporation purchasing the same, in such proportions as shall be agreed upon in the terms of sale; and the Corporation, thus selling its property, rights and franchises shall become merged in and consolidated with the Corporation buying the same.

(1840.) SEC. 2. No consolidation of one Mining Corporation Assent of majority of Stockholders necessary. with another, under this act, shall take place without the prior assent thereto of a majority of the stockholders of each Corporation, at the annual meeting of the stockholders, or at a special meeting duly called for that purpose.

(1841.) SEC. 3. Any Mining Corporation thus purchasing Corporation purchasing may call in and cancel its prior Stock and issue New Stock. the property, rights and franchises of another, shall have power to call in and cancel its prior certificates of stock, and to make and issue to its stockholders, including those of the Corporation to be consolidated with it, new certificates of stock, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to forfeit the stock of any stockholder who shall not return his stock to be cancelled as aforesaid, within ninety days after actual notice of the resolution of the Corporation for calling in its stock, or who shall not return it after publication of notice of said resolution for ninety days, in some daily newspaper published in the State of Michigan.

(1842.) SEC. 4. All dues, demands, contracts and liabilities Corporation purchasing liable for dues of Corporation selling. of any Corporation thus selling its property, rights and franchises to another, shall be and remain in force against the

holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy, duly filed.

How Stockholders may vote.

Provision in case of failure in Annual Election.

(1811.) SEC. 13. If it shall so happen that an election of Directors shall not take place at the annual meeting, such Corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election, in the manner provided in the eleventh section.

Books of account to be open for inspection, etc.

(1812.) SEC. 14. The books of every such Corporation, containing the accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such Corporation shall be made by order of the Directors, and laid before the stockholders.

Power to hold Real and Personal Estate.

(1813.) SEC. 15. Every such Corporation shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for the purposes of carrying on the business of such Corporation: *Provided*, That their real estate shall not exceed three thousand acres, unless such Corporation is organized for the purpose of iron mining or manufacturing, in which case their real estate shall not exceed ten thousand acres. (b)

Stock to be deemed Personal Property.

(1814.) SEC. 16. The stock of every such Corporation shall be deemed personal property, and shall be transferred only on the books of such Company in such form as the Directors shall prescribe; and such Corporation shall at all times have

Corporation to have lien upon Stock for debts due from Members.

a lien upon the stock or property of its members, invested therein, for all the debts due from them to such Corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.

When Stockholders individually liable. Const. Art. 15, Sec. 7.

(1815.) SEC. 17. The stockholders of all Corporations founded upon this act, shall be individually liable for all labor performed for such Corporation or Associations, which said

(b) As Amended by "An Act to Amend Section Fifteen of an Act entitled, 'An Act to Authorize the Formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper, Mineral Coal, Silver, or other Ores and Minerals, and for other Manufacturing Purposes,' Approved February 5, eighteen hundred and fifty-three." Approved February 9, 1867. Laws of 1867, p. 188.

liability may be enforced against any stockholders founded on this statute at any time after an execution shall be returned not satisfied against said Company: *Provided, always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

(1816.) SEC. 18. Every such Corporation formed for mining purposes, shall annually in the month of July in each year, make a report, which shall state the amount of copper, iron or other mineral which such Company may have mined within the year past, which report shall be signed by the President and a majority of the Directors, and shall be verified by the oath of the Secretary or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such Corporation is carried on, and a duplicate thereof in the office of the Auditor General.

(1817.) SEC. 19. Every Corporation formed under the provisions of this act, for the purposes of carrying on manufacturing business, shall annually in the month of July in each year, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such Company, and remaining unpaid in whole or in part; which report shall be signed by a majority of the Directors, and verified by the oath of the Secretary, or other officers making the same, and be filed in the office of the clerk of the county in which the business of any such Corporation is carried on, and a duplicate thereof in the office of the Auditor General.

(1818.) SEC. 20. All Corporations formed under the provisions of this act for the purpose of mining, shall pay into the State Treasury specific taxes, as follows, that is to say: every such Corporation engaged in copper mining, shall pay a tax of one dollar for each ton of copper or mineral obtained; every such Corporation engaged in iron mining, shall pay a tax of ten cents for each ton of iron obtained; and every such Corporation engaged in coal mining, shall pay a tax of one half cent for each ton of coal obtained by such Corporation in such mining business; which taxes shall be paid annually in the month of July, at the office of the State Treasurer, or such place in the City of Detroit as he may designate; and the same

How liability enforced.

Annual Reports of Mining Companies.

Annual Reports of Manufacturing Companies.

Specific Taxes on Mining Companies.

When and where paid.

shall be in lieu of all State taxes to be paid by such Corporations respectively: *Provided*, Nothing herein shall exempt from State taxation any property of said Corporation not invested in the said mining or manufacturing business, contemplated in this act.

Specific Taxes on
Manufacturing
Companies.

(1819.) SEC. 21. All Corporations formed under the provisions of this act, for manufacturing purposes, shall pay to the State a specific tax of one half of one per cent. on the amount of their capital stock paid in, and also money borrowed, which, for this purpose, shall be considered as capital stock of such Corporations. The said tax shall be paid on the first day of September, at the office of the State Treasurer, or such place in the City of Detroit as he may designate, and the same shall be in lieu of all State taxes to be paid by such Corporations respectively.

When and where
paid.

Service of process
on Corporation,
how made.

(1820.) SEC. 22. Service of any legal process against any Corporation formed under this act, may be made on the President, Secretary, or agent, or if neither of them can be found in the county in which by their articles of Associations they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office of the Company in said county.

Liability of Direc-
tors for neglect
to comply with
certain provi-
sions.

(1821.) SEC. 23. If the Directors of any such Company shall intentionally neglect or refuse to comply with the provisions, and to perform the duties required of them by sections three, five, eighteen and nineteen of this act, they shall be jointly and severally liable, in an action founded on this statute, for all the debts of such Corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such Directors at any time during such neglect or refusal, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined a sum not exceeding five thousand dollars, or imprisoned for a term not exceeding two years, or both, in the discretion of the Court.

Penalty for will-
ful violation of
provisions.

(1822.) SEC. 24. If any such Corporation, organized and established under this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the Directors ordering or assenting to such violation, shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation.

Legislature may
rescind powers of
Corporation; May
Amend or Repeal
this Act.

(1823.) SEC. 25. The Legislature may at any time, for just cause, rescind the powers of any Corporation created pursuant to the provisions of this act, and prescribe such mode as may

be necessary or expedient for the settlement of its affairs. The Legislature may repeal, alter, or amend this act.

(1824.) SEC. 26. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of 1846, so far as applicable to Companies formed under this act. Act to be subject to certain general provisions. Chapter 73.

SEC. 27. This act shall take effect immediately.

An Act supplementary to an Act entitled, "An Act to authorize the Formation of Corporations for Mining, Smelting or Manufacturing Iron, Copper, Mineral Coal, Silver, or other Ores or Minerals, and for other Manufacturing purposes," Approved February 5, 1855.

[Approved February 6, 1855. Laws of 1855, p. 26.]

(1825.) SECTION 1. *The People of the State of Michigan enact,* Companies may have Business Office out of the State. It shall be lawful for any Mining Company, associating under the act to which this is supplementary, to provide in the articles of Association for having the business office of such Company out of this State, at any place within the United States, and to hold any meeting of the stockholders or Directors of such Company, at such office so provided for; but every such Company having its business office out of this State, But shall also have an office in this State. shall have an office for the transaction of business within this State, to be also designated in such articles.

(1826.) SEC. 2. The first meeting of every such Association, First Meeting of Companies with office out of State, where held. having its business office out of this State, may be held either in this State or at such business office; and if held at such office, notice thereof shall be published for fifteen days previous thereto, in some newspaper published in the City of Detroit, and also in the county in which said office may be located.

(1827.) SEC. 3. All stock in any Company organized under the law to which this is supplementary, forfeited for non-payment of assessments, and belonging to residents of this State, shall be sold within this State; such as may belong to residents of the Upper Peninsula, to be sold at the County Seat of the county in which such mine is located; and thirty days' notice of such sale shall be given in some newspaper published in said Upper Peninsula; and if none be published there, then in some newspaper published in the City of Detroit; and such stock as shall belong to residents of the Lower Peninsula, shall be sold at the office of the Company, if there be one in the Lower Peninsula, and if there be no such office, then at the City of Detroit, thirty days' notice of such sale being previously given in some newspaper published in the county where such sale is to be made. Stock forfeited, where to be sold; and notice of sale, how published.

Certain Meetings
and Corporate
Acts legalized.

(1828.) SEC. 4. All meetings and all corporate acts heretofore had by any Company organized under the law to which this is supplementary, beyond the limits of this State, and within the United States, shall be held, and the same are hereby made to be legal and valid: *Provided, always, That* such meetings and acts would have been valid, if had within this State.

Companies under
Special Charter
may dissolve and
organize under
this Act.

(1829.) SEC. 5. Any Mining Company organized and doing business under any special charter, may at any time, by a vote of a majority in interest of its stockholders, dissolve its organization, and organize under the act to which this is supplementary; and any Company so organizing under said act, shall have the right, in preference to any other Company, to assume the name by which it was known in its former charter: *Provided, It* perfects its organization within sixty days after dissolving its special charter; and after perfecting its organization, according to the provisions of said act, it shall be entitled to all the rights, privileges and immunities therein contained, and the property, effects, and rights of action of the Company shall pass to, and be vested in the Company so organized under the acts to which this is supplementary, and the debts, liabilities and demands existing against the Company so dissolved, shall be and remain debts, liabilities and demands against the newly organized Company, and may be prosecuted against it in like manner, and to the like effect, as they might have been against the Company so dissolved.

Capital may be
increased.

(1830.) SEC. 6. Any Company organized under the act to which this is supplementary, may at any time, by a vote of two-thirds in interest of its stockholders, increase its capital, not to exceed one million of dollars, and the shares of its capital stock to fifty dollars each; but nothing in this act shall be construed to give any Company, organized under said act, a right to increase its number of shares to a greater number than twenty thousand.

Number of Shares
limited.

SEC. 7. This act shall take effect immediately.

An Act to Authorize Mining Companies to Subscribe and take Stock in Plank Roads or Railroads, and to Regulate Taxation thereon.

[Approved February 8, 1855. Laws of 1855, p. 44.]

Companies may
take Stock in
Plank Road or
Railroad Com-
panies.

(1831.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any Mining Company in the Upper Peninsula of this State, organized under any charter, or under

the general Mining Law of this State, to subscribe for, and take stock in, any Plank Road or Railroad, for the purpose of constructing such road to the mines; and the amount of its capital so subscribed and paid out, shall, for the purposes of taxation, be deducted from the capital of such Mining Company, and shall be taxed only as the capital of such Plank Road or Railroad.

(1832.) SEC. 2. The President and Secretary of every such Mining Company subscribing or taking stock in any Plank or Railroad, shall, on or before the first day of May in each year, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which such Mining Company has subscribed and paid in any Plank or Railroad, and also in what particular road.

Statement of amount to be returned to the State Treasurer.

SEC. 3. This act shall take effect immediately.

An Act to Confer Certain Powers upon Mining Companies.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 391.]

(1833.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any Mining Company heretofore incorporated by special act of incorporation under the laws of this State, to establish an office or offices for the transaction of business without this State, and within the United States, and to hold any corporate meeting, and do any corporate act, at any such office: *Provided,* That there shall always be one business office within this State, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such Company; the place of holding such offices shall be fixed by a vote of a majority of stockholders at any lawful meeting, and shall be certified to the Secretary of State.

Companies may have Business Office out of this State.

Shall also have an Office in this State.

(1834.) SEC. 2. In all cases wherein any such Company, or the Directors thereof, may have established any such office or offices without this State, and within the United States, before the passage of this act, the same shall be and remain the office or offices of such Company, until changed by such Company, or the Directors thereof; *Provided, however,* That such Company shall, within six months from the passage of this act, establish an additional office within the State of Michigan, and certify the location of all of its offices to the Secretary of State.

Offices heretofore established, confirmed.

Proviso.

Certain Meetings
and Corporate
Acts legalized.

(1835.) SEC. 3. All meetings, and all corporate acts of any incorporated Mining Company, heretofore had or done without the limits of this State, and in the United States, shall be held, and are hereby declared to be as lawful and binding, as if the same had taken place within this State; but nothing herein contained shall be construed to create any forfeiture of the rights of any stockholder to his stock or property in such Corporation.

Taxation of Min-
ing Companies.

(1836.) SEC. 4. In lieu of the specific tax on their corporate stock now provided for by law, all chartered Mining Companies, chartered by this State, shall hereafter be subject to the payment of specific taxes, in the manner and to the extent set forth in section twenty, of an act entitled, "An Act to authorize the formation of Corporations for Mining, Smelting, or Manufacturing Iron, Copper, Mineral Coal, Silver, or other Ores or Minerals, and for other Manufacturing purposes," approved February 5, 1853.

An Act to Authorize Mining Corporations to Increase the Number of Shares into which their Capital Stocks may be Divided.

[Approved February 9, 1857. Laws of 1857, p. 186.]

Powers of Corpo-
ration to increase
Stock.

(1837.) SECTION 1. *The People of the State of Michigan enact,* That all Mining Corporations heretofore created by special acts of incorporation passed by the Legislature of this State, and duly organized under the same, shall have authority, each respectively, to increase the number of shares into which their capital stocks are divided, to such number as they may see fit: *Provided,* That no Company shall divide its capital stock into more than twenty thousand shares, nor shall the capital stock of any such Company be increased by this act. (c)

Limitation of
Shares.

Increase not to
take effect until
Corporation has
accepted provi-
sions of this Act.

(1838.) SEC. 2. No increase of the shares of the capital stock of any Mining Corporation shall take effect under this act, until such Corporation shall have accepted of its provisions, by resolution of the Board of Directors, and shall have filed in the office of the Secretary of State a certified copy of such resolution, and also a certificate of the Secretary of such

(c) As Amended by an "Act to Amend an Act entitled, 'An Act to Authorize Mining Corporations to increase the number of Shares into which their Capital Stock may be divided.' Approved and in force February 17, 1857. Laws of 1857, p. 462." The Amendment merely struck out the following proviso at the end of the section: *And Provided further,* That the said Shares shall not be reduced below twenty-five dollars each.

Corporation, showing the number of shares into which its capital stock is to be divided under this act.

SEC. 3. This act shall take immediate effect.

An Act to Authorize the Consolidation of Mining Companies.

[Approved February 17, 1857. Laws of 1857, p. 437.]

(1839.) SECTION 1. *The People of the State of Michigan enact,* Mining Corporations may consolidate.
That any Mining Corporation organized under the act, approved February fifth, eighteen hundred and fifty-three, for authorizing the formation of Mining Corporations, is hereby authorized to consolidate with, and purchase from any other Mining Corporation organized under said act, all its property, rights and franchises, upon such terms as shall be mutually agreed upon; and the stockholders of the Corporation whose property, rights and franchises are thus purchased, shall become stockholders of the Corporation purchasing the same, in such proportions as shall be agreed upon in the terms of sale; and the Corporation, thus selling its property, rights and franchises shall become merged in and consolidated with the Corporation buying the same.

(1840.) SEC. 2. No consolidation of one Mining Corporation with another, under this act, shall take place without the Assent of majority of Stockholders necessary. prior assent thereto of a majority of the stockholders of each Corporation, at the annual meeting of the stockholders, or at a special meeting duly called for that purpose.

(1841.) SEC. 3. Any Mining Corporation thus purchasing the property, rights and franchises of another, shall have Corporation purchasing may call in and cancel its prior Stock and issue New Stock. power to call in and cancel its prior certificates of stock, and to make and issue to its stockholders, including those of the Corporation to be consolidated with it, new certificates of stock, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to forfeit the stock of any stockholder who shall not return his stock to be cancelled as aforesaid, within ninety days after actual notice of the resolution of the Corporation for calling in its stock, or who shall not return it after publication of notice of said resolution for ninety days, in some daily newspaper published in the State of Michigan.

(1842.) SEC. 4. All dues, demands, contracts and liabilities of any Corporation thus selling its property, rights and franchises to another, shall be and remain in force against the Corporation purchasing liable for dues of Corporation selling.

Corporation purchasing the same, in like manner as if originally incurred by it; and all rights of creditors, and all liens upon the property of either Corporation, shall remain unimpaired, and the respective Corporations shall continue to exist so far as may be necessary to enforce the same.

Capital Stock not to be increased by virtue of this Act.

(1843.) SEC. 5. No Corporation with which another may be consolidated under this act, shall be allowed to increase its capital stock by virtue of this act, but such Corporation shall, in all respects consistent with this act, be subject to the provisions of the general law of this State above referred to, authorizing the formation of Mining Corporations.

SEC. 6. This act shall take immediate effect.

CHAPTER LXIV.

OF MUSICAL SOCIETIES.

SECTION

1844. Corporations may be organized for Instruction in Music.

1845. Articles of Agreement how executed; Where to be filed and recorded.

1846. What Articles to contain.

1847. Directors, how chosen; Powers of Directors.

SECTION

1848. Restriction on power to hold Real Estate.

1849. How Funds to be used and Property invested; Limitation as to Property Corporation may hold.

1850. No two to have same Name.

1851. Specific Tax to be paid to State.

An Act for the Incorporation of Musical Societies.

[Approved February 16, 1857. Laws of 1857, p. 354.]

Corporations may be organized for Instruction in Music.

(1844.) SECTION 1. *The People of the State of Michigan enact,* That Corporations may be organized under the provisions of this act, for the instruction of vocal and instrumental Music, and the giving of public vocal and instrumental Concerts, subject to the provisions hereinafter set forth.

Articles of Agreement how executed; Where to be filed and recorded.

(1845.) SEC. 2. That any five or more persons, who may desire to become incorporated for the purpose set forth in section one, may execute under their hands and acknowledge

before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the Clerk's office of the county or counties in this State in which the office of said Association, for the transaction of business, may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.

(1846.) SEC. 3. The articles of such Association shall contain: What Articles to contain.

1. The names of the persons associating in the first instance, and their places of residence;
2. The name of such Corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;
3. The objects for which it is organized, which shall be stated with convenient certainty and expressly;
4. The number of its Directors and regular officers, and the time and place for holding its annual meeting;
5. The terms and conditions of membership therein;

(1847.) SEC. 4. The officers (affairs) of said Corporation shall Directors; how chosen. be managed by not less than five, or more than twenty Directors, to be chosen for such period and in such manner as the by-laws of such Corporation shall provide, and who shall hold their offices until their successors are chosen. The officers may be Powers of Directors. chosen, and the by-laws of such Corporation adopted and changed by the Directors, as the articles or by-laws may prescribe; a majority of the Directors shall be a quorum to transact business; all of such Directors shall be residents of the State of Michigan.

(1848.) SEC. 5. No such Corporation shall have power to Restriction on power to hold Real Estate. take or hold any real estate, except such as may be necessary for the transaction of its business, for a longer period than thirty years.

(1849.) SEC. 6. All the funds received by such Corporation How Funds to be used and Property invested. shall be used in the first instance, or shall be invested, and the income thereof used, after paying necessary expenses, for the exclusive purpose set forth in the articles of Association; and no portion thereof shall be used for any such purpose, except within the State; and no portion of the funds of any such

incorporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by said Corporation. Such Corporation may take by gift, purchase or devise, property (exclusive of that actually used and necessary for the transaction of its business) to an amount not exceeding fifty thousand dollars ; and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks or bonds, or any city, county, or Government securities, or deposit it at some bank, or with any broker in this State : *Provided*, That any such Corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested ; and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

Limitation as to
Property Corpo-
ration may hold.

No two to have
same name.

(1850.) SEC. 7. No two such Associations incorporated under this act shall transact business under the same name.

Specific Tax to be
paid to State.

(1851.) SEC. 8. Every Association organized under the provisions of this act, shall pay to the State Treasurer, on or before the second Monday of January in each year, during its corporate existence, one per cent. upon its capital actually invested, deducting the real estate held by such Association ; which amount shall be in lieu of all other taxes or assessments. All real estate owned by such Association may be taxed as other real estate in the city, village or township where the same may be situated.

SEC. 9. This act shall take immediate effect.

CHAPTER LXV.

OF PLANK ROAD COMPANIES.

I. UNDER THE ACT OF 1848.

SECTION

- 1852. Plank Road Companies Incorporated, to be subject to provisions of this Act.
- 1853. What Acts of Incorporation to specify.
- 1854. Powers of Plank Road Companies; To issue Corporate Bonds; To dispose of Bonds; To issue Construction Stock.
- 1855. Duties of Commissioners in opening books, etc.
- 1856. When and how Commissioners to call First Meeting.
- 1857. What Officers to be chosen.
- 1858. Powers of Directors; How chosen after first year.
- 1859. Notice of payment of subscription to be given.
- 1860. Annual Report to be made to Auditor General.
- 1861. Office of Company how designated; Service of process on Company.
- 1862. Inhabitants of this State to have lien for claims.
- 1863. Directors shall cause Survey, etc., to be recorded.
- 1864. Powers of Directors in Construction of Road.
- 1866. When and how use of Highway to be obtained; Saving of Private Rights.
- 1866. Appraisal of Private Damages.
- 1867. Width of Road, Grade and other description.
- 1868. When and where Gates may be erected; Rates of Toll; Penalty for Illegally Passing Gates; Farmers exempt from Toll in certain cases.
- 1869. Annual State Tax, when to be paid, and how estimated.
- 1870. Exemption from Toll.
- 1871. Subscription to Capital Stock extended.
- 1872. Duties of Directors to keep Road in Repair; Forfeiture for neglect.
- 1873. Other Forfeitures.

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- 1874. Power of Toll Gatherer to detain persons, etc., till Toll paid.
- 1875. Penalty for Obstructions, etc.
- 1876, 1877. Liability to pay Toll, etc., in certain cases.
- 1878. Penalties and Forfeitures, how recovered; Duty of Treasurer of Company.
- 1879. Company subject to certain provisions.
- 1880, 1881. Road may be constructed of Gravel or Stone, instead of Plank; Specifications.

II. UNDER THE GENERAL INCORPORATION ACT OF 1851.

- 1882. Corporations, how formed; Articles of Association.
- 1883. Articles of Association to be Filed with Secretary of State; General powers and liabilities of Corporation.
- 1884. Five per cent. of Stock to be paid before Articles Filed; Affidavit to Articles; Stockholders not to vote while Assessments unpaid.
- 1885. Copy of Articles and Affidavit made evidence.
- 1886. Board of Directors, and their Election; How vacancies filled.
- 1887. Proceedings when Regular Election not held.
- 1888. Board, how formed.
- 1889. President and Treasurer.
- 1890. By-Laws.
- 1891. May enter upon Lands to Survey and Locate Route; Where not to locate without consent of Owner; When may take possession of Lands.
- 1892. Not to hold Land except for use of Road.
- 1893. May take or purchase Lands for Road.
- 1894. How damages appraised, when compensation not agreed upon.
- 1896. Commissioners to be appointed by Court; Petition therefor.
- 1896. Commissioners to be Sworn; Notice to

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- Owners; Duties of Commissioners to examine Route, hear Testimony, and Appraise Damages; Report to be Filed with County Clerk; Motion to set aside Report.
1897. When motion to be heard, and how; Re-appraisal.
1898. Commissioners to act in all cases arising in the County.
1899. Like proceedings to be had in other Counties.
1900. Fees of Commissioners, Witnesses and Officers; Who to pay Costs.
- 1901, 1902. Appraisal of Land of Married Women, Minors, etc.
1903. Subpoenas for Witnesses.
1904. Damages must be tendered before using Lands; When Company to pay Interest on Damages.
1905. Damages, how paid in case of non-resident Owner.
1906. How to obtain use of Street.
1907. Highway may be used by consent of certain Township Officers.
1908. Mode of Construction of Road.
1909. Rates of Toll.
1910. Exemptions from Toll.
1911. Application to Circuit Court to change location of Gate.
1912. Payments and Forfeiture of Stock.
1913. Shares deemed Personal Property; Increase of Capital.
1914. Notice of location of office to be given.
1915. List of Stockholders to be kept in book

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- and exhibited; Penalty for neglect to keep book and make proper entries.
1916. Individual liability of Stockholders.
1917. Officers to be individually liable in certain cases.
1918. Judgment to be obtained against Company before suit brought against Stockholders.
1919. Directors to Report to Auditor General.
1920. Annual Tax, and when paid.
1921. Penalty for overcharges.
1922. Collection of Penalty.
1923. List of Rates to be Posted.
1924. Persons to pay before passing Gate.
1925. Damages for not keeping Road in Repair, etc.
1926. Penalty for Injuring Road.
1927. Fine for fraudulently using Road.
1928. Corporation, how dissolved.
1929. Affairs subject to Legislative examination.
1930. Act subject to Amendment or Repeal.
1931. Corporations heretofore organized may form under this Act.

GENERAL PROVISIONS.

1932. Company to keep Highway in Repair in certain cases; Forfeiture for neglect.
1933. If Plank Road not kept in repair, Toll not to be taken.
1934. Company may collect Toll when two miles of Road constructed.
1935. When Company shall cease to be body corporate.
1936. Certain Provisions Repealed.

An Act Relative to Plank Roads.

[Approved March 13, 1848. Laws of 1848, p. 59.]

Plank Road companies incorporated to be subject to Provisions of this Act.

(1852.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all Corporations hereafter created for the purpose of constructing Plank Roads, shall be subject to the provisions hereinafter contained.

What Acts of Incorporation to specify.

(1853.) SEC. 2. All acts incorporating Companies for the purpose aforesaid, shall contain the names of not less than three persons, as Commissioners, to receive subscriptions to the capital stock of said Corporation, and shall specify the point or place from which, and to which said road is to be constructed, the capital stock of such Company, and the number of shares into which the stock is to be divided, and the duration of such Corporation.

Powers of Plank Road Companies.

(1854.) SEC. 3. All such Corporations shall be deemed persons in law, and as such shall be capable of suing and being sued in all Courts, and in all manner of actions, and may

have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant, or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of any such road, and may establish by-laws and regulations necessary for the construction, preservation, and repair of any such road or roads, and the erection of toll gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders in any such road; the number of shares of stock that shall entitle a stockholder to one or more votes; the mode of voting by proxy; the mode of selling shares of stock for the non-payment of assessments; the mode in which shares shall become forfeited to such Company; and may prescribe penalties for the violations of such by-laws, which penalty shall not exceed twenty-five dollars for each offence; and in addition to the powers in this act otherwise granted to such Companies, any such Company shall have the following powers, under the conditions herein prescribed:

1. For the purpose of providing means for the construction and completion of any Plank Road authorized to be built by any such Company, and its building and equipments, any such Company may issue its corporate bonds or obligations, not exceeding in the aggregate one half the capital stock of such Company, in such form as it may deem proper, payable at such time and places in this State, upon such terms and with such rates of interest (not exceeding ten per cent. per annum), as the Board of Directors of such Company may determine, with the approval of the owners of a majority of the stock of such Company; *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars.

To issue Corporate Bonds.

2. Any such Company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms, as such Company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value; and such bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations

To dispose of Bonds.

shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such Company.

To issue Construction Stock.

3. For all or any of the purposes aforesaid, any such Company may create and issue shares of guarantied stock, to be denominated "Construction Stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such Company) the amount of the capital stock of such Company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences, or priority, over the remaining stock of said Company, in the payment of dividends, as the Directors of such Company may determine, and as shall be approved by the holders of three-fourths of the stock of such Company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said Company, with the holders of an equal amount of the original stock of such Company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said Company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published, and if no newspaper shall then be published in any of said counties, then in some newspaper published in the City of Detroit. (a)

Duties of Commissioners in opening Books, etc.

(1855.) SEC. 4. Within eighteen months after the passage of an act incorporating any such Company, the Commissioners named therein shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in any such Company, at such times and places as they may see fit, first giving at least thirty days' notice thereof, which said notice shall be published in some public newspaper printed in some county in which, or through which,

(a) As amended by "An Act to Amend Section Three, Nine, Eighteen, Nineteen, and Twenty, of an Act entitled, 'An Act Relative to Plank Roads,' Approved March 13, 1848, and to add thereto six new Sections, to stand as Sections Twenty-Five, Twenty-Six, Twenty-Seven, Twenty-Eight, Twenty-Nine and Thirty." Approved February 9, 1853. Laws of 1853, p. 64.

some part of the proposed road is to be constructed; and if there is no such paper, then in some daily paper in the City of Detroit, and in such other papers as such Commissioners may designate; and the said Commissioners, or a majority of them, shall attend at such times and places for the purpose of receiving such subscriptions. (b)

(1856.) SEC. 5. Whenever, according to the length of the road as estimated by the Commissioners, three hundred dollars per mile of the capital stock of any such Company shall have been subscribed, the Commissioners shall proceed to call a meeting of the stockholders in any such Company, by giving notice of such meeting by publishing such call in some newspaper published in one of the counties in or through which the proposed road is to be constructed; if there is no paper published in any such counties, said notice may be published in a daily paper in the City of Detroit, and in any other paper in the State that said Commissioners may select; such notice shall be signed by such Commissioners, or by a majority of them, and shall specify the time and place at which said meeting will be held, and shall be published at least two weeks consecutively, next preceding the day of such meeting.

When and how
Commissioners to
call first Meeting.

(1857.) SEC. 6. At the meeting so called, the stockholders present shall elect not less than three, nor more than five Directors, each share of the capital stock being entitled to one vote, who shall hold their office for one year from and after such election, and until their successors are elected; a majority of said Directors shall constitute a quorum for the transaction of business, and shall proceed forthwith to elect from their own number a President, Treasurer and Secretary, who shall respectively hold their offices for one year, and until their successors are elected.

What Officers to
be chosen.

(1858.) SEC. 7. The business and property of such Companies shall be managed and conducted by their respective Boards of Directors. The Directors of all such Companies, after the first year, shall be elected at such time and place, and upon such notice, and in such manner as shall be directed by the by-laws of any such Company; and whenever a vacancy shall occur in any such Board of Directors, such vacancy shall be filled, for the remainder of the year, by an election to be made

Powers of Directors;
how chosen
after first year.

by the remaining Directors ; no person shall be a Director unless he is a stockholder in the Company.

Notice of pay-
ment of subscrip-
tions to be given.

(1859.) SEC. 8. The Board of Directors of any such Company may require payment of the sums subscribed to the capital stock, at such time, and in such manner and proportions, and on such conditions, as they shall see fit, under a penalty of stock, and all payments made thereon, and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the day on which such payments are required to be made, in one newspaper printed in each county in or through which their road is located, and by sending by mail such notice to each stockholder from whom a payment is required, directed to him at his usual place of abode.

Annual Report to
be made to Au-
ditor General.

(1860.) SEC. 9. On or before the first Tuesday of January in each year, it shall be the duty of the Board of Directors of any such Company to render a report to the Auditor General, verified by the oath of any two of such Directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of earnings expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said Company, specifying the object for which the indebtedness accrued, and the actual nett profits of said Company for the preceding year. (c)

Office of Com-
pany, how desig-
nated.

(1861.) SEC. 10. Within thirty days after the election of the first Board of Directors of any such road, the said Directors shall designate some place within a county, in which such road or some part thereof is to be constructed, as the office of such Company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the County Clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall

service of process
on Company.

take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration or other process, required by law to be served on such Company, may be served on the Presiding Officer, the Secretary, the Treasurer thereof, or by leaving the same at such office with any officer of such Company, at any time between nine o'clock, A. M., and noon, and between two and five o'clock in the afternoon, of any day except Sunday. (d)

(1862.) SEC. 11. Any inhabitant of this State shall have a ^{Inhabitants of this State to have} lien upon the stock, appurtenances and entire property of said ^{lien for claims.} Plank Road Companies, for all claims and demands not exceeding one hundred dollars, against any of said Companies, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such Companies.

(1863.) SEC. 12. The Board of Directors of such Company, ^{Directors shall cause Survey etc., to be Recorded.} after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said Company for the construction of such road and the necessary buildings and gates; they shall subscribe such survey, and acknowledge its execution as the execution of deeds is required to be acknowledged, in order that they may be recorded, and they shall cause such survey to be recorded in the Register's office of each county through which their road may pass.

(1864.) SEC. 13. The route so laid out and surveyed by the ^{Powers of Directors in construction of Road.} said Board of Directors of such Company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said Company, the said Board of Directors shall be clothed with all the powers of Commissioners of Highways of townships are now required to do in laying out public highways: *Provided*, that if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said Board of Directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot, or insane person, having no parent or guardian, or by a non-resident of the State, then and in such case, an application being made by the said Board of Directors to the Judge of Probate of the county in which

said lands are situated, the said Judge of Probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route; and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the Revised Statutes, and such Company shall pay costs, when by the provisions of said chapter the township would be liable for the same.

When and how
use of Highway
to be obtained.

(1865.) SEC. 14. Whenever any Plank Road Company may wish to use any part of a public highway or street, for the construction of their Plank Road over the same, such Company shall apply to the Supervisor and Commissioners of Highways of the township, or Common Council of any incorporated city, or the President and Trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same, and it shall be the duty of such Supervisor and Commissioners or Common Council of any incorporated city, or the President and Trustees of any incorporated village, as the case may be, to examine, at the expense of such Company, so much of any such highway or street as may be wanted as aforesaid by such Company, and if, in the opinion of a majority of such Supervisor and Commissioners, or Common Council of any incorporated city, or the President and Trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such Company, said Supervisor and Commissioners, or a majority of them, or Common Council of any incorporated city, or the President and Trustees of any incorporated village, as the case may be, may in writing, signed by them, grant to such Company a right to enter upon, take and use such highway or street for the purpose of the construction, maintenance and use of a Plank Road thereon, under the provisions of the charter of such Company, and upon filing such grant in the office of the Township Clerk of such township, the said Company may at once enter upon, take and use such highway or street for all the purposes aforesaid: *Provided*, That nothing herein contained shall prejudice any legal claim for private damages of any person on the line of such public highway or street, by reason of the granting the said highway or street to the use of any such

Saving of Private
Rights.

Company: *And provided, further,* That the amount received by said Supervisors and Commissioners for granting any such highway to any such Company, shall be by them expended in improving the highways, or in purchasing the right of way for highways in such township.

(1866.) SEC. 15. Whenever any portion of any public highway shall be granted to the use of a Plank Road Company, as aforesaid, any person who shall claim damages by reason of the granting such highway to such use, as aforesaid, may have such damages appraised within the same time and in like manner as is prescribed by law for the appraisal of damages, on the altering and laying out of public highways: *Provided,* That the same notice shall be given to one of the Board of Directors, as is required to be given to the Highway Commissioners; and if any damages be awarded or appraised, the person in whose favor the same is awarded may bring an action of assumpsit for the recovery of the same against the Company, and if in any such action the Court shall be of opinion that such person had any legal ground to claim damages against such Company, such person shall be then entitled to a judgment for the amount of damages so awarded and legal costs of suit.

(1867.) SEC. 16. Every Plank Road made shall be laid out at least two, and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in ten feet, and which roadway shall be constructed so as to permit carriages and other vehicles conveniently and easily to pass each other, and also as to permit carriages readily and easily to pass on and off where such road is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such Plank Road at any such intersection.

(1868.) SEC. 17. Whenever any such Company shall have completed their road, or any five consecutive miles thereof, (e) the Directors thereof may erect toll gates and exact tolls from persons traveling on their road, for so much as may be completed, at a rate not exceeding two cents per mile, for any

(e) See Section 5 of the Act of February 12, 1855, following.

7 Barbour, 626.

Penalty for
illegally passing
Gates.

3 Fick, 342.

Farmers exempt
from Toll in cer-
tain cases.Annual State
Tax; when to be
paid, and how
estimated.

vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage, drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile; such toll gates, so to be erected by such Company, may be as many in number, and located at such points as such Company may deem necessary: *Provided, however,* That any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole, or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass: *Provided,* That if any person shall forcibly and illegally pass any of the gates provided by this act, he shall forfeit and pay to the said Company a sum not exceeding twenty-five dollars for each and every such offence, to be recovered for the benefit of said Company, before any Justice of the Peace of the county in which such gate is situated: *And provided,* That no farmer shall be required to pay any toll for the use of said road by himself or persons in his employ, engaged in the business of the farm, in passing from one part of the farm to another, with his team or other stock.

(1869.) SEC. 18. Each and every Plank Road Company shall pay to the Treasurer of the State of Michigan an annual tax at the rate of five per cent. on the nett profits of said Company for the year preceding the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said Company, and said State tax shall be in lieu of all other taxes upon the property of said Company. (f)

SEC. 19. (g)

SEC. 20. (h)

(1870.) SEC. 21. Persons going to and returning from mili-

(f) As Amended by Act 44 of 1853, p. 67, Section 3. See note (a).

(g) Repealed by Act 122 of 1855, p. 272, Section 5.

(h) Repealed by Act 44 of 1853, p. 67, Section 4.

tary parades, which by law they are required to attend, and persons going to and returning from funerals, shall be exempt from the payment of any toll to any Plank Road Company for such use of their road. Exemption from Toll.

(1871.) SEC. 22. If the entire capital stock of such Company shall not be subscribed at the time first provided by this act, the Board of Directors of any such Company may at any time receive subscriptions to such capital stock, until the whole amount of the capital stock allowed by its charter shall be subscribed. (i) Time for receiving subscriptions to Capital Stock extended.

(1872.) SEC. 23. The Board of Directors of any such Company shall *have* at all times, after the erection of any toll gate or gates upon any Plank Road, and the exaction of toll thereat, keep such portions of the road in good repairs, and in case of any dilapidation of the superstruction, or the breaking or removal of any plank or other portion of the surface of said road, as to endanger the safe passage of any team, animals or vehicles, it shall be the duty of said Board of Directors, without unnecessary delay, to make such repairs as shall restore said road to its proper condition; and in case said Board of Directors shall fail to comply with the provisions of this section, they shall, for every such neglect or refusal, be liable to a forfeiture of ten dollars, to be recovered in action of debt, by any person aggrieved or injured: *Provided*, That in all cases, one of said Board of Directors shall first have been notified of any such defect, and the necessary time for its repairs shall have fully elapsed after such notice, and before the commencement of any such suit. Duties of Directors to keep Road in Repair. Forfeiture for neglect.

(1873.) SEC. 24. Every Plank Road Company hereafter incorporated shall at all times permit any person, with any team, animal, or otherwise, paying toll as aforesaid, to travel upon the road and through the gates of such Company, without unnecessary hindrance or delay, and for every offence against the provisions of this section by said Company or any agent or person in its employ, said Company shall forfeit and pay a penalty not less than five, nor more than fifty dollars, to be recovered by the party aggrieved before any Court having jurisdiction thereof. (j) Other Forfeitures.

(i) As Amended by "An Act to Amend Section Twenty-Two of 'An Act relative to Plank Roads,' approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock." Approved April 4, 1861. Laws of 1861, p. 113.

(j) Added by Act 99 of 1848, p. 110.

Power of Toll
Gatherer.

(1874.) SEC. 25. Each toll gatherer of any such Company may detain and prevent from passing through his gate, any person or persons riding or leading or driving, one or more animals or vehicles subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate. (k)

Penalty for ob-
struction, etc.

(1875.) SEC. 26. If any person shall willfully or maliciously obstruct, break, injure, or destroy the Plank Road of any such Company, or shall willfully or maliciously injure or destroy any building, bridge, culvert, toll gate, or other work or fixture of any such Company, such person shall be punished by imprisonment in the State prison not exceeding three years, or by fine not exceeding five hundred dollars, and by imprisonment in the county jail not exceeding one year.

Liability in cer-
tain cases.

(1876.) SEC. 27. Every person who, with one or more animals or vehicles, subject to toll, shall travel on the road of any such Company between the toll gates, and shall not pass through any gate of any such Company, shall be liable to pay any such Company on demand, the regular toll at the rate per mile established by the charter of any such Company, for the distance actually so travelled: *Provided*, That this section shall not apply to any person for any such travel as is exempted from toll.

Ibid.

(1877.) SEC. 28. Every person who, to avoid the payment of legal toll on said road, shall, with his vehicle or animal, or vehicles and animals subject to tolls, turn off from such road, or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall forfeit and pay any such Company, for each offence, the penalty of ten dollars, and costs of suit for the recovery of the same.

Penalties and
Forfeitures; how
recovered.

(1878.) SEC. 29. All penalties and forfeitures given by the charter of any such Company, may be sued for and recovered by any such Company in its own name, in an action of debt or assumpsit, in any Court of competent jurisdiction, or before any Justice of the Peace in the county where such offence

Duty of Treasur-
er of Company.

was committed; and on the first Monday in January in each year, the Treasurer of any such Company shall render under oath to the Treasurer of the proper county, an account of all moneys collected during the preceding year by any such Company, for any penalty or forfeiture accruing within said

(k) Section 25 to 30 inclusive, added by Act 44 of 1853, pp. 68 and 69, in force from Feb. 9, 1853.

county, and shall pay over to said County Treasurer one half of the amount so collected for the use of the county, and return the other half for the use and benefit of the Company.

(1879.) SEC. 30. Any Plank Road Company, organized under the provisions of this act, shall be subject to the provisions of all amendments made or to be made thereto; whenever the assent of any such Company, certified by the President and Secretary thereof, to the provisions of such amendments, shall be filed in the office of the Secretary of State.

SEC. 24. This act shall take effect and be in force from and after its passage.

An Act to Amend an Act entitled, "An Act Relative to Plank Roads," Approved March 13, 1848, and an Act Amendatory thereto, Approved February 9, 1853, and to add two new Sections thereto.

[Approved February 12, 1855. *Laws of 1855, p. 236.*]

SECTION 1. *The People of the State of Michigan enact*, That an act entitled, "An Act Relative to Plank Roads," approved March thirteenth, one thousand eight hundred and forty-eight, and an Act Amendatory thereto, approved February ninth, one thousand eight hundred and fifty-three, be amended by adding thereto two new sections, to stand as sections thirty-first and thirty-second :

(1880.) SEC. 31. All Companies that have been, or may be hereafter organized, subject to the provisions of this act, instead of the eight feet in width of Plank Road required by section sixteen of this act, may construct all, or any portion of said road, of gravel, instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than ten inches deep, which shall be properly screened: *And provided*, Said Companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act, in relation to Plank Roads. (l)

SEC. 2. This act shall take effect immediately.

(l) This is the whole of the Act, though by its title it purports to add two new Sections to the Law of 1848. And see the Act next following.

An Act to Amend an Act Relative to Plank Roads, Approved March Thirteenth, Eighteen Hundred and Forty-Eight, and the Act Amendatory thereto, Approved February Ninth, Eighteen Hundred and Fifty-Five. (m)

[Approved February 17, 1857. Laws of 1857, p. 465.]

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of an act relative to Plank Roads, approved March thirteenth, eighteen hundred and forty-eight, which was added by an act amendatory thereto, approved February ninth, eighteen hundred and fifty-five, be so amended that the said section read as follows:

Companies may
construct of
Gravel instead of
Plank.

Proviso.

Proviso.

(1881.) SEC. 31. All Companies that have been, or may be hereafter organized, subject to the provisions of this act, instead of eight feet in width of Plank Road required by section sixteen of this act, may construct all or any portion of said road of gravel, instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than seven inches in depth: *And provided*, Said Companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to Plank Roads.

SEC. 2. This act shall take immediate effect.

An Act to Provide for the Formation of Companies to Construct Plank Roads.

[Approved April 8, 1851. Laws of 1851, p. 211.]

Corporations;
how formed.

(1882.) SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may be formed into a Corporation for the purpose of constructing and owning a Plank Road, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county through which said road is intended to be constructed, of the time and place or places where books for subscribing to the stock of such road will be opened; if there be no newspaper printed in the county, then such notice shall be printed in a newspaper in the City of Detroit; and when stock

(m) See the Act of February 12, 1855, which is the Act intended to be amended by this Act.

to the amount of at least two hundred dollars per mile of the road so intended to be built shall be in good faith subscribed, and five per cent. paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect Directors for the said Corporation; and thereupon they shall severally subscribe articles of Association, in which shall be set forth the name of the Company, the number of years the same is to be continued, which shall not exceed fifty years from the date of said articles; the amount of the capital stock of said Company, the number of shares of which said stock shall consist; the number of Directors and their names, who shall manage the concerns of the Company for the first year, and shall hold their offices until others are elected; the place from, and to which the proposed road is to be constructed; and each town, city and village into or through which it is intended to pass, and its length as near as may be.

Articles of Association.

(1883.) SEC. 2. Each subscriber to such articles of Association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in such Company. The said articles of Association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and thereupon, the persons who have so subscribed, and all persons who shall, from time to time, become stockholders in such Company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all Courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of such road, and the erection of toll gates and houses thereon, and may, by such by-laws as shall be adopted by said Company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, entitled, "General Provisions Relating to Corporations," as far as the same shall be applicable and not inconsistent with the provisions of this act; and in addition to the powers in this act otherwise granted to Companies organized or formed under this act, any such Company shall have the following powers under the conditions herein prescribed:

Articles of Association to be filed with Secretary of State.

General powers and liabilities of Corporation.

Chapter 73.

General powers
and liabilities of
Corporation.

1. For the purpose of providing means for the construction and completion of any Plank Road authorized to be built by any such Company, and its building and equipments, any such Company may issue its corporate bonds or obligations, not exceeding in the aggregate one half of the capital stock of such Company, in such form as it may deem proper, payable at such time and places in this State, upon such terms, and with such rates of interest (not exceeding ten per cent. per annum), as the Board of Directors of such Company may determine, with the approval of the owners of a majority of the stock of such Company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars;

2. Any such Company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such Company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value; and such bonds or obligations shall be valid and binding, as a security for the whole sum, payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated, at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such Company.

3. For all or any of the purposes aforesaid, any such Company may create and issue shares of guarantied stock, to be denominated "Construction Stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such Company) the amount of the capital stock of such Company allowed by law; which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences or priority over the remaining stock of said Company, in the payment of dividends, as the Directors of such Company may determine, and as shall be approved by the holders of three-fourths of the stock of such Company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the

management of the affairs of said Company, with the holders of an equal amount of the original stock of such Company : *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said Company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published ; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the City of Detroit. (n)

(1884.) SEC. 3. Such articles of Association shall not be filed in the office of the Secretary of State until five per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the Directors named in such articles, nor until there is endorsed thereon or annexed thereto, an affidavit made by at least three of the Directors, named in such articles, that the amount of the capital stock required by the first section of this chapter has been subscribed, and that five per cent. on the amount has been actually paid in ; and no stockholder shall be entitled to vote for Directors of any Company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Five per cent. of stock to be paid before Articles filed.

Affidavit to Articles.

Stockholders not to vote while Assessments unpaid.

(1885.) SEC. 4. A copy of any articles of Association filed in pursuance of this chapter, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of Association, and of the affidavit endorsed thereon or affixed thereto, shall be, in all Courts and places, presumptive evidence of the incorporation of such Company, and of the facts therein stated.

Copy of Articles and Affidavit made evidence.

20 Barb., S. C. R. 155.

(1886.) SEC. 5. The business and property of such Company shall be managed and directed by a board of not less than three nor more than seven Directors, who, after the first year, shall be elected annually, at such time and place as shall be directed by the by-laws of such Corporation ; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such

Board of Directors, and their Election.

(n) As Amended by " An Act to Amend Sections Two, Twenty-Seven, Thirty-Nine and Forty of an Act entitled, 'An Act to provide for the Formation of Companies to construct Plank Roads,' approved April 8, 1861." Approved February 12, 1863. Took effect May 16, 1863. Laws of 1863, p. 80.

manner as shall be prescribed by the by-laws of such Company; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock; and the persons having the greatest number of votes shall be Directors. Whenever any vacancy shall happen in the Board of Directors, such vacancy shall be filled for the remainder of their term by the remaining Directors. The Directors shall hold their offices for one year, and until others are elected in their places; and no person shall be a Director unless he is a stockholder in the Company.

How vacancies filled.
Proceedings when Regular Election not held.

(1887.) SEC. 6. In case it shall happen that an election for Directors shall not be held on the days fixed for such election by the by-laws of such Company, such Corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election for Directors as shall be provided in the said by-laws; or if there be no such provisions, then on some early day, to be appointed by the Directors then in office; and in all such cases, the same notice of the time and place of holding the election shall be given as is provided in the preceding section; and all acts of the Directors shall be binding as against such Corporation.

Board; how formed.

(1888.) SEC. 7. A majority of the Directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the Corporation.

President and Treasurer.

(1889.) SEC. 8. The Directors, at their first meeting after their election, shall choose, by ballot, one of their number as President, and one as Treasurer, and they shall supply a vacancy in the office of President or Treasurer whenever the same shall occur.

By-Laws.

(1890.) SEC. 9. The President and Directors shall have power to make and prescribe such by-laws, rules and regulations respecting the transfer of stock, and the management and control of the property, business and affairs of such Corporation as they may deem proper, not inconsistent with the Constitution and laws of the United States or of this State; and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of such Corporations, and determine their duties and the salaries and wages to be paid to them.

(1891.) SEC. 10. It shall be lawful for such Company, their officers, engineers and agents, to enter upon any lands for the

purpose of exploring, surveying and locating the route of such road, doing thereto no unnecessary damage, and paying any damage which may accrue; nor shall such Company locate any such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purpose of trade or manufacture; or any yard or enclosures necessary for the use or enjoyment thereof, without permission from the owner or owners; and when the said route shall be determined by the said Company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, to enter upon, take possession of, and use such lands to the width of four rods, as said Company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such road, toll houses, gates, fixtures and appurtenances; the necessity for taking such land and the damages to be paid therefor being first ascertained, and such damages paid as hereinafter provided.

May enter upon Lands to Survey and locate Route.

Where not to locate without consent of Owner.

When may take possession of Lands.

(1892.) SEC. 11. The said Corporation shall not, in their corporate capacity, hold, purchase, or deal in any lands within this State, other than the lands on which their road shall run, or which may be actually necessary for the construction or maintenance thereof, and of the gates, toll houses, and other fixtures connected therewith.

Not to hold Lands except for use of Road.

(1893.) SEC. 12. Such Company so formed may procure, by purchase or gift from the owners thereof, any lands necessary for the construction of such road, or for the erection of gates, toll houses, and other fixtures, or may obtain from the owner or occupants the right to use the same for the purposes aforesaid, on such terms as they may agree upon in writing.

May take or purchase Lands for Road.

(1894.) SEC. 13. Whenever said Company shall desire to enter upon and occupy for the purpose of making said road, any lands, the owner of which shall refuse to permit such entry or occupation, and such Company cannot agree with such owner upon the compensation and damages to be paid for the use of such lands, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such compensation and damages. Every such appraisement shall be reduced to writing, and signed by the appraisers, or a majority of them, and a duplicate copy thereof shall be furnished to each of the parties. The expense of such appraisement shall be paid by said Company.

How damages appraised when compensation not agreed upon.

(1895.) SEC. 14. Whenever such Company shall be unable to agree with the owner or occupant of said lands, whereon to construct such road, fixtures and appurtenances, or if they cannot agree upon appraisers as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the Directors of such company may apply by petition to any Court of Record within any County, through any part of which the route of said road may run, at any session thereof legally held, for the appointment of three Commissioners to ascertain and determine whether it be necessary to the public interest to take such lands for the proposed road, and if so, to ascertain and determine the amount of damages therefor. Such petition shall briefly describe the route of said road, and shall state that such Company have been unable to agree with certain owners or occupants of certain lands through which said road is to run, as to the necessity of taking such lands for the purposes of such road, or as to the amount of damages to be allowed therefor; but it shall not be necessary in such petition to describe particularly the lands nor the names of the owners, and if it shall appear to the Court that previous public notice of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such Court shall forthwith, or as soon as the business of such Court will permit, proceed to hear and decide upon such application, and may hear any reason which they deem valid for or against the appointment of such Commissioners, or of any Commissioner which said Court may name, and may hear any evidence applicable thereto; and if such Court shall determine to appoint such Commissioners, such Court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in any township through which any part of such road shall run; and if it shall not be made to appear to such Court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either to the next term thereof, or to such other day as shall be deemed proper that such notice may be given, after which such Court shall proceed with the hearing, and appoint Commissioners as aforesaid.

Commissioners to
be appointed by
Court.

Petition therefor.

(1896.) SEC. 15. Before such Commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform their duties as such Commissioners; which oath shall be in writing and shall be returned into such Court with the report of their proceedings, and shall thereupon, at the request of the Directors of such Company, and at their expense, give notice of the time when they will proceed to examine the route of said road, or any part thereof, stating what part, to determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then in the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and at or before the time appointed in such notice, the Directors of such Company shall furnish to the said Commissioners a map and description, by reference thereto, of all the lands, the necessity for taking which and the damages for which, they may wish said Commissioners to determine on such examination, together with the names and residence of the owners thereof, or persons interested therein, as far as the same can be ascertained; and if it shall appear to said Commissioners that notice in writing has been given by said Company, or any officer or agent thereof, to each of the owners or persons interested therein, residents of the said county, of the said examination, and the objects thereof, by delivering the same to such persons, or leaving the same with some member of his family at his place of residence, ten days previous to the time of the examination, they shall proceed to examine so much of the route of such road within their county as shall have been mentioned in the notice published by them, and shall hear any reason that may be deemed pertinent, which may be urged for or against the necessity of constructing such road, or the necessity of taking therefor any lands of any person through which the same may pass; and they may take any testimony having a bearing upon the question of such necessity; and in respect to the amount of damages to be allowed to any person or persons for the taking of any such lands for the purposes aforesaid; and each of said Commissioners is hereby authorized to administer all necessary oaths to witnesses, or in the taking of any affidavits touching any matter before them, and may issue

Commissioners to be sworn.

Notice to Owners.

Duties of Commissioners to examine Route, hear testimony, and appraise damages.

subpœnas for witnesses with the same effect as Courts of law; and all witnesses shall be liable to the same penalties for disobedience as for the like disobedience to subpœnas issued by a Court of law, and may be fined or committed by such Commissioners for contempt, as in Courts of law; and such examination may be continued as long as may be necessary, or adjourned, as to them shall seem just, not, however, to exceed ten days at any one time, without the consent of both parties; and if the said Commissioners shall ascertain and determine that such road is not necessary to the public interest, or that no lands of any individual are necessary to be taken for any part of the said road, fixtures, or appurtenances, they shall so certify in writing to the Court by which they were appointed; and said Company shall not be allowed to take any such lands of individuals unless by agreement with the owners or occupants thereof; but if said Commissioners shall determine that it is necessary to the public interest to take any such lands for the purposes aforesaid, they shall proceed to ascertain, appraise and determine the amount of damages to the respective owners and occupants of such lands in consequence of the taking of such lands for the purposes aforesaid, describing with convenient certainty each separate parcel, with the amount of lands to be taken by said Company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of the evidence taken before them, and all the affidavits which shall be used before them; and they, or a majority of them, shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits, and a map, with references thereto, and shall, in such report, state the several amounts of damages which shall have been allowed by them to each owner and occupant, in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, the lands for which such damages are allowed, and also all the lands claimed by said Company to have been necessary to be taken, and which such Commissioners shall have decided to be unnecessary, and shall file the said report with the Clerk of the Court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such Commissioners shall be valid, but all shall take part in the hearing; such decision shall be final and conclusive upon all such persons

Report to be filed
with Clerk of
Court.

who shall not, within fifteen days after the filing of such report, make and file with the Clerk of such Court a motion to set aside said report, so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the Directors of such Company, if to be found in the county, and if such Directors cannot be found in the county, then such filing shall be sufficient notice to the Company.

(1897.) SEC. 16. Said motion shall be heard at the next session of such Court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the Commissioners; and said Court may confirm or annul the decisions of such Commissioners upon the matter in question, or may order a reappraisal of such particular pieces or parcels, and fix the time therefor. In making such reappraisal, the Commissioners shall proceed as hereinbefore directed, as near as may be; and their report thereof shall be made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said Court, as above provided in respect to the first report, and such Court may order a reappraisal as often as they may deem necessary, till the same shall be confirmed by said Court.

(1898.) SEC. 17. Said Commissioners shall at any time thereafter, at the request of the Directors of such Company, and subject to the provisions above contained, proceed to ascertain and determine the necessity of taking the lands of any person or persons, and the amount of damages therefor, on any other portion of such road within such county, upon which such damages have not been ascertained; and they shall continue to be the Commissioners for that purpose in respect to said road, until all such questions in reference thereto, in such county, shall have been ascertained, unless the Court by which they were appointed shall, on cause shown, remove them; in which case, and in case of the death or continual absence from the State of any of them, such Court shall appoint another or others to fill such vacancy.

(1899.) SEC. 18. If the route of such road shall run through or into more than one county, the like proceedings may be had in each of the counties through which any portion of the route may run.

(1900.) SEC. 19. Such Commissioners shall be entitled to receive two dollars per day for the time actually spent by them in the performance of their duties, to be paid by said

Company; and the person appointed to attend to the interest of incompetent or absent parties, as provided in section twenty-one of this act, shall also be paid by said Company the like compensation; the fees of witnesses and officers for the service of subpoenas shall be the same as is or may be provided in respect to witnesses in Courts of Justices of the Peace; and if it shall be made to appear to the said Commissioners that said Company, six days previous to any such examination in respect to damages, shall have offered in writing, and tendered to any claimant of damages as large a sum for such damages as shall be allowed by them, then all witness fees, with the cost of proceedings, their attendance, the fees of such Commissioners, and of the persons by them appointed under section twenty-one of this act, shall be paid by such claimants; and said Company may sue for and recover any part of such costs or fees which they may have paid or become liable to pay, or the same may be offset by said Company against any damages which may have been allowed to such person.

Who to pay costs.

Appraisal of Land of Married Woman, Minor, etc.

(1901.) SEC. 21. If any person interested in lands or damages to be appraised by such Commissioners, shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State, or unknown, and there shall be no one duly authorized by law to act instead of any such person, the said Commissioners shall appoint, by an order in writing, to be made and signed by them, some competent and suitable person who will consent to act (such consent shall be made in writing, signed by such person), to take care of the interest of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed, in like manner and with like effect as if served upon the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superseded by him or any person by him duly appointed.

Ibid.

(1902.) SEC. 22. In all cases of the appraisal of lands authorized by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the

lands or damages to be appraised; and all proceedings in such cases shall be effectual and conclusive upon the party represented by the person so appointed.

(1903.) SEC. 23. On application of any party interested, any Judge or Justice of the Peace may issue a subpoena, requiring witnesses to attend before such Commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof, and refusing or neglecting to obey the same, shall be subject to the same penalties and liabilities as if such subpoenas were issued from a Court of Record in a suit pending therein. Subpoenas for Witnesses.

(1904.) SEC. 24. Such Company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their road, the damages for which have been ascertained and determined by appraisal, as is provided in this act, until such Company shall have paid or legally tendered the amount of such damages to the person or persons entitled to receive the same, except in the cases provided in the next section (section 25) of this act; and if such payment or tender shall not be made within thirty days after the appraisal has been finally determined and fixed, either by the award of persons agreed upon for making such appraisal, or by confirmation of the report of Commissioners, or a neglect to move to set aside the report as above provided, then said Company shall pay interest on such damages from the time such damages became determined and fixed as aforesaid, and after the payment or tender of such damages as in this section provided, or after complying with the provisions of the succeeding section of this act, the said Company may enter upon and take the lands in respect to which such appraisal has been made to the said Company, its successors and assigns, for the construction and maintenance of the said road, its fixtures and appurtenances. Damages must be tendered before using Lands.

(1905.) SEC. 25. If any person entitled to receive the amount of any such award be not a resident of this State, or cannot be found therein, the Company may furnish to the Court by whom such Commissioners were appointed, or the Judge thereof in vacation, satisfactory proof of such fact; and such Court or the Judge thereof, shall thereupon make an order that the amount of such award shall be paid to the Treasurer of the county in which the lands lie, in respect to which such award was made, for the use of such owner; and that notice Damages how paid in case of non-resident Owner.

of such payment be given by publishing the same once in each week for six successive weeks, in a newspaper published in the county, if there be one published there; if not, then such publication shall be made in a newspaper published in the City of Detroit. On satisfactory proof being made to the said Court or Judge, within three months from the time of making the last mentioned order, of such payment and publication, said Court or Judge shall make an order authorizing the Company to take and hold the land in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The affidavits and orders mentioned in this section, shall be filed in the office of the Clerk of the Court by which such Commissioners were appointed, and such clerk shall file and preserve the same in his office.

obtain
Street.

(1906.) SEC. 26. Whenever such Company may wish to use any part of a street in any city or village for the construction of their Plank Road over the same, such Company shall apply to the Common Council of any incorporated city or village, or the President and Trustees of any incorporated village, or the Township Board where the village is unincorporated, as the case may be, in which said street is situated, for the right to construct their Plank Road thereon; and it shall be the duty of such Common Council of any incorporated city or village, or President and Trustees of any incorporated village, as the case may be, to examine, at the expense of such Company, so much of any such street as may be wanted as aforesaid by such Company; and if, in the opinion of a majority of such Common Council of any incorporated city or village, or President and Trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such Company, said Common Council of any incorporated city or village, or President and Trustees of any incorporated village, may, in writing, signed by them, grant to such Company a right to enter upon, take and use such highway or street, for the purpose of constructing, maintaining and using a Plank Road thereon; and upon filing such grant in writing in the office of the Register of Deeds of the proper county, the said Company may forthwith enter upon, take and use such street according to the said grant for the construction, maintenance and use of their Plank Road. The said Common Council, and said

President and Trustees, shall expend in improving the streets of the city or village the amount received by them from such Company for the use of said street.

(1907.) SEC. 27. Any Plank Road Company which shall be organized under this act, is hereby authorized to enter upon, take and use any public highway on the route of said Plank Road, and to construct thereon, or any part thereof, their Plank Road, with all necessary fixtures and appurtenances: *Provided*, The consent of the Supervisors, Highway Commissioners, or Commissioners and Township Clerk, or a majority of them in each town through which such road passes, or instead thereof, the consent of a majority of the freeholders residing on that part of the highway so to be taken, shall be first obtained; and such Company, during the construction of such Plank Road, shall in no wise unnecessarily obstruct or prevent travel on such highway. (o)

May use highway
by consent of
certain Township
Officers.

(1908.) SEC. 28. Every Plank Road made by virtue of this act shall be laid out at least two, and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in twenty feet; and which roadway shall be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also to permit carriages readily and easily to pass on and off such road where it is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such Plank Road at any such intersection.

Mode of Construc-
tion.

(1909.) SEC. 29. Whenever any Plank Road Company shall have completed their road, or any five consecutive miles thereof, the said Company may erect toll gates and demand and receive toll, from persons traveling on their road for so much as may be completed consecutively, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for any vehicle, sled, sleigh or carriage drawn by one animal, one cent per mile; for every score of sheep or swine, half of one cent per

Rates of Toll.

7 Barbour, 623.

mile; for every score of neat cattle, two cents per mile; for every horse and rider or led horse, one cent per mile. Such toll gates, to be erected by such Company, may be as many in number, and located at such points as such Company may deem necessary. Any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass.

Exemptions from
Toll.

(1910.) SEC. 30. No tolls shall be collected at any gate of any company incorporated under this act from any person passing to or from public worship on the Sabbath, or to or from a funeral, or farmers going to and from their work on their farms; and any person who shall make a false representation to any gate keeper for the purpose of passing said gate without toll, under the exemption in this section provided, and shall thereby induce said gate keeper to let him pass such gate with an animal or vehicle, without the payment of toll, shall be liable to pay to such Company ten times the amount of toll for which such person would otherwise have been chargeable.

Application to
Circuit Court to
change location
of Gate.

(1911.) SEC. 31. The Supervisor of any township, the Mayor of any incorporated city, and the President of any incorporated village, in which a toll gate may be located on any such road, whenever he shall be of opinion that the location of such gate is unjust to the public interest, by reason of the proximity of diverging roads, or for other reasons, may, on at least fifteen days' written notice to the President or Secretary of said Company, apply to the Circuit Court of the county in which such gate is located, for an order to alter or change the location of the said gate; the Court, on such application, and on hearing the respective parties, and on viewing the premises, if the said Court shall deem such view necessary, shall make such order in the matter as to the said Court may seem just and proper. Such order shall be observed by the respective parties, and may be enforced by attachment or otherwise, as said Court shall direct; and the decision of said Court shall be final in the matter, and said Court may direct the payment of costs in the premises as shall be deemed just and equitable.

Payments and
Forfeiture of
Stock.

(1912.) SEC. 32. The Directors of any Company incorporated under this act, may require payment of the sums subscribed

to the capital stock at such times, and in such proportions and on such conditions as they shall see fit, under the penalty of the forfeiture of the stock, and all previous payments thereon, if payment shall not be made by the stockholders within sixty ^{3 Mich. Rep. 91.} days after a personal notice, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in every county in which any part of said road is situated, if any so published, and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in one newspaper printed in each county in or through which the said road is located, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

(1913.) SEC. 33. The shares of any Company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such Company; the Directors of any such Company may at any time receive subscriptions to stock in said Company, till the whole amount of the stock mentioned in their articles of Association shall be subscribed, and with the consent of a majority in amount of stock of the stockholders in such Company, provide for such increase of the capital stock of such Company as may be necessary to finish the making of a road actually commenced and partly constructed. ^{Shares deemed Personal Property.} ^{Increase of Capital.}

(1914.) SEC. 34. Within thirty days after the formation of any Company under this act, the Directors thereof shall designate some place within a county in which their road or some part thereof is to be constructed, as the office of such Company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one; if not, then in a newspaper published in the City of Detroit; which publication shall be continued once in each week for three successive weeks; and shall file a copy of such notice in the office of the Register of Deeds of every county in which any part of such road is constructed, or intended to be constructed; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place; in which notice the time of making the change shall be specified; and every summons, notice, declaration, other paper or process required by law to be served, by leaving the same at such office, with any person ^{Notice of location of Office to be given.}

having charge thereof, at any time, except Sunday and the fourth day of July.

List of Stockholders to be kept in book and exhibited.

(1915.) SEC. 35. It shall be the duty of the Directors of any such Company to cause a book to be kept by the Secretary, Treasurer or Clerk thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within six years stockholders of such Company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the holders of such shares, and every transfer of such stock, and the amount of stock actually paid in; which book shall, during business hours, be open for the inspection of all persons who may desire to examine the same, at the office of such company; and any and every person shall have the right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the Company, according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to, and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such Company, or against any one or more stockholders. Every officer or agent of such Company who shall neglect to make any such proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the Company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every Company that shall neglect to keep such a book open for inspection as aforesaid, shall pay and forfeit the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the People of the State by the Prosecuting Attorney of the county in which the office of said Company is located; and when so recovered, the amount shall be paid in equal portions to every county through which the road of such Company is constructed.

Penalty for neglect to keep book and make proper entries.

Individual liability of Stockholders.

(1916.) SEC. 36. The stockholders of every Company incorporated under this act, shall be jointly and severally liable in their individual capacity for all labor performed for such Company; and shall also be liable for the payment of the debts of

such Company for an amount equal to the amount of stock they have severally subscribed or held in said Company, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder.

(1917.) SEC. 37. If the Directors of any Company formed under this act shall declare or pay any dividend when the Company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such Company then existing, and for all that shall be thereafter contracted, while they shall respectively continue stockholders or in office. If any certificate or report made, or public notice given by the officers of any such Company, in pursuance of the provisions of this act, shall be knowingly false in any material representation, all the officers who shall have signed the same, knowing or having reason to believe the same to be false, shall be jointly and severally liable for all the debts of the Company then existing, or which shall be contracted while they are officers thereof, or stockholders therein; but if any of the Directors shall object to the declaring of any such dividend as is mentioned in this section, or to the payment thereof, and shall at any time before the time fixed for such payment, file a certificate of such objection with the Secretary of the Company, and in the office of the clerk of the county in which the business office of such Company is located, the Director so objecting shall be exempt from such liability, as above provided.

(1918.) SEC. 38. But no suit shall be brought against any individual stockholder or stockholders for any debt of such Company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the Company, and execution thereon returned unsatisfied in whole or in part, or until the Company shall have been dissolved; and any stockholder who may have paid any debt of such Company, either voluntarily or by compulsion, shall have a right to sue and recover of such Company the full amount thereof, with interest, costs and expenses; and any such stockholder, who may have paid as aforesaid, shall have a right to bring an action against, and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against

Officers made individually liable in certain cases.

Judgment to be obtained against Company before suit brought against Stockholders.

more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant: *Provided*, That no action for contribution shall be maintained by any officer of such Company for any amount he may have been compelled to pay in consequence of any false certificate, report or notice made or signed by him as aforesaid.

Proviso.

Directors to Report to Auditor General.

(1919.) SEC. 39. On or before the first Tuesday of January in each year, it shall be the duty of the Board of Directors of any such Company to render a report to the Auditor General, verified by the oath of any two of such Directors, setting forth the length of road completed, the cost of constructing their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much of the same is paid in, and how much expended, the whole amount of earnings, and how much expended on said road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said Company, specifying the object for which the indebtedness accrued, and the actual nett profits of said Company for the preceding year. (p)

Annual Tax, when paid.

(1920.) SEC. 40. Each and every Plank Road Company formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax at the rate of five per cent. on the nett profits of said Company for the year preceding the day on which the report, in the ninth section of this act mentioned, shall be made; which tax shall be paid on the first Tuesday of January in each year, and shall be estimated upon the last preceding report of said Company, and said State tax shall be in lieu of all other taxes upon the property of said Company. (q)

Penalty for over-charges.

(1921.) SEC. 41. Every toll gatherer at any such gate, who shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each offence, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Collection of Penalty.

(1922.) SEC. 42. Whenever a judgment is obtained against a toll gatherer for a penalty, or for damages for acts done or

omitted to be done by him, in his capacity of toll gatherer, and goods and chattels of the defendant to satisfy such judgment cannot be found, it shall be paid by the Corporation whose officer he shall be; and if on demand payment be refused by the Corporation, the amount of such judgment, with costs, may be recovered of such Corporation.

(1923.) SEC. 43. It shall be the duty of the Directors of every such Company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate. List of Rates to be posted.

(1924.) SEC. 44. Each toll gatherer may detain and prevent from passing through his gate, all persons, riding, leading or driving animals or carriages subject to toll, until they shall have paid respectively the tolls authorized by law. Persons to pay before passing Gate.

(1925.) SEC. 45. Any such Corporation shall be liable for all damages that may be sustained by any person or persons, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair; and if such Company shall continue to take toll for passing over that portion of their road which may be out of repair, so as to make the passage of teams or vehicles inconvenient or dangerous, for six days at any one time, they shall pay therefor a penalty of fifty dollars, which may be sued for and recovered by the Prosecuting Attorney of the county in which such portion of their road may be situated, on complaint on oath of any person, to be paid when collected to the Treasurer of such county, for the benefit of township libraries in such county: *Provided*, Damages for not keeping Road in Repair, etc. That the counties of the Upper Peninsula be excepted from the provisions of this section. Proviso.

(1926.) SEC. 46. If any person shall willfully obstruct, break, injure or destroy any road constructed under the provisions of this act, or any work, building, fixtures or toll gates attached to, or in use upon the same, belonging to said Company, such person so offending shall, for every such offence, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year. Penalty for Injuring Road.

(1927.) SEC. 47. Any person who shall forcibly or fraudulently pass any toll gate erected on such road in pursuance of this act, without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent Fine for fraudulently using Road. 21 Barbour, 212.

thereto, and enter again on such road, shall, for each offence, be liable to a fine not exceeding ten dollars, to be sued for and recovered by such Company.

Corporation, how dissolved. (1928.) SEC. 48. Every Company incorporated under this act shall cease to be a body corporate :

First. If within two years from the filing of their articles of Association, they shall not have commenced the construction of their road, and actually expended thereon at least ten per cent. of the capital stock of such Company; and,

Second. If, within ten years from such filing of the articles of Association, such road shall not be completed according to the provisions of this act. (r)

Affairs subject to Legislative examination. (1929.) SEC. 49. All Companies formed under this act, shall at all times be subject to visitation and examination by the Legislature, or a Committee appointed by either House thereof, or by any agent or officer, in pursuance of law; and the Courts of this State shall have the same jurisdiction over such Corporation and their officers, as over those created by special acts.

Act subject to Amendment or Repeal. (1930.) SEC. 50. The Legislature may at any time alter, amend, or repeal this act; but such alteration or amendment shall not operate as an alteration or amendment of the corporate rights of Companies formed under it, unless especially named in the act so altering or amending this act; and the Legislature may annul or repeal any Corporation formed or created under this act; but such alteration, amendment, annulling or repealing, shall not, nor shall the dissolution of any such Company, take away or impair any remedy given for or against any such Corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Corporations now organized may form under this Act. (1931.) SEC. 51. Any Plank Road Company heretofore incorporated, may be formed into a Corporation under this act, by a vote of the stockholders, at any legal meeting thereof, by filing with the Secretary of State a certificate of the Directors of such Company, verified by the oath of such Directors, setting forth all the matters required in this [the] certificate provided for in the first and second sections of this act, and subject to the conditions mentioned in section three of this act; such certificate shall also set forth the amount of

capital stock subscribed, the amount paid in, the amount thereof expended on its road, and the length of road constructed, if any. But no such existing Corporation wishing to organize under this act, shall be required to open books of subscription to its capital stock, if, under its former act of incorporation, its stock to the amount of at least two hundred dollars per mile of its road shall have been in good faith subscribed, and five per cent. paid thereon; and every such Company which shall so organize under this act, shall remain liable for all the debts, contracts and obligations, and shall preserve all the property, rights of property, and contracts to which it was liable, and to which it would have been entitled under its original act of incorporation; but in all other respects, such organization under this act shall operate as a surrender of its former act of incorporation.

SEC. 52. This act shall take effect immediately.

An Act Relative to Plank Road Companies,

[Approved February 12, 1855. Laws of 1855, p. 272.]

(1932.) SECTION 1. *The People of the State of Michigan enact,* Company to keep Highway in Repair in certain cases. That in all cases where any Plank Road Company has or may at any time hereafter, become authorized or permitted to enter upon, take or use any public highway or street, on the route of its Plank Road, and to construct its Plank Road thereon, or to use and maintain the same for a Plank Road, and do actually take possession of said road or street, by laying down sections or portions of plank, and delivering plank upon such road or street, such Company shall, at all times, so far as the formation of the soil and season of the year will permit, keep in good order and condition so much of said road as it shall not have planked, until it shall have planked the same; and if any Forfeiture for neglect. Company shall neglect to keep such highway or street in such order and condition, it shall be deemed to have abandoned and forfeited the right to enter upon, take or use such public highway or street, as to so much as shall not be planked.

(1933.) SEC. 2. Every Plank Road Company shall cause to be laid down and kept closely together, and in an even manner, If Plank Road not kept in Repair, not to take Toll. so that the surface shall be uniform, the plank upon its road; and in case of default, it shall forfeit the right to receive any toll upon such road.

When Company
may collect Toll.

(1934.) SEC. 3. Every Plank Road Company shall have the right to receive tolls at any time after it shall have constructed two continuous miles of the road.

When Company
shall cease to be
a body Corporate.

(1935.) SEC. 4. Every Plank Road Company shall cease to be a body corporate, if within three years, or if hereafter organized, then if within three years from the date of its organization, it shall not have commenced the construction of its road, and actually expended thereon at least ten per cent. of the capital stock.

Sec. 19 and part
of Sec. 17 of Act
No. 62 of 1848,
repealed.

(1936.) SEC. 5. Section nineteen (and so much of section seventeen as requires the construction of five miles of road before collecting tolls) of the act entitled, "An Act relative to Plank Roads," approved March 13, 1848, are hereby repealed. This act shall take effect in thirty days.

CHAPTER LXVI.

OF RAFTING COMPANIES.

SECTION

- 1937. Corporations, how formed; Articles of Association.
- 1938. Articles to be Subscribed and filed with Secretary of State; Certified Copy to be evidence.
- 1939. Officers and Agents how Elected and Appointed; Powers of Directors.
- 1940. General Powers of Corporation, and restrictions thereon.
- 1941. Persons owning Logs, etc., may become

SECTION

- members, or may run their own Logs, etc.; But not obstruct navigation.
- 1942. Proceedings when floatage and navigation obstructed.
- 1943. Individual liability of Members; Lien of Company on Logs, etc., for demands due them.
- 1944. List of Members, with marks, to be posted in Office, etc.; And filed with County Clerk.

An Act to Provide for the Formation of Companies for Running, Driving, Booming and Rafting Logs, Timber and Lumber, and for Regulating the Floatage thereof.

[Approved February 9, 1855. Laws of 1855, p. 55.]

Corporation, how
formed.

(1937.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, may be formed into a Corporation for the purpose of running, driving, boom-

ing and rafting logs, timber and lumber, on any of the streams or waters within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties in which said stream or waters may be, and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper of some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such Company may meet and subscribe articles of Association, and elect Directors of such Company; in which articles of Association shall be set forth the name of the Company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the Directors, who shall manage the concerns of the Company for the first year, and shall hold their offices until others are elected; the stream or waters upon which the business of said Company is intended to be done, and the place within this State where the business office of said Company shall be kept.

Articles of Association.

(1938.) SEC. 2. Each subscriber to such articles of Association shall subscribe thereto his name and place of residence. The said articles of Association may be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time associate with them, shall be a body corporate, by the name specified in such articles, and as such, shall be capable of suing and being sued in all Courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring, by gift, grant, lease, or otherwise, and holding any lands, tenements or hereditaments, necessary to be used in the prosecution of said business, or for the erection of offices, houses, or other buildings, necessary and proper for carrying on the business of said Corporation. A copy of any articles of Association, filed in pursuance of this section, with a copy of an affidavit made by at least two of the Directors named therein, setting forth that all prior proceedings of said Association had been in strict conformity with all the provisions of this act, endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of Association and of such affidavit, shall be, in all Courts and places, presumptive evidence of the incorporation of such Company, and the facts therein stated.

Articles to be subscribed, and filed with Secretary of State.

Certified copy to be evidence.

(1939.) SEC. 3. The business and property of such Company

Officers and Agents, how elected and appointed. shall be under the management and direction of a Board of Directors, composed of not less than three, nor more than

seven, who, after the first year, shall be elected annually, at such time and place, and such notice of the election as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their office until their successors are elected. The said board may elect from their number a President, and appoint a Treasurer, who shall give such bonds as the Board of Directors may require, and a Secretary; and in case any vacancy shall occur in said board, the remaining Directors may elect any member of said Company to fill said vacancy, as Director for the remainder of the term, and until their successors are elected; and in case said annual election of Directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice. The said Board of Directors shall have full power and authority to appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the Company; to assess and collect all rates, dues, and sums of money of the members of said Company, by demand, suit, or otherwise, in any place, Court or jurisdiction, according to law, and the provisions of the articles of Association, rules and by-laws of said Association, or the Directors thereof.

Powers of Directors.

General powers of Corporation, and restrictions thereon.

(1940.) SEC. 4. Such Corporations shall have authority to make and construct all proper and necessary rollways, booms, piers, and other constructions along said stream or waters, for the running, driving, booming, rafting, or securing said logs, timber or lumber: *Provided*, That in all cases the consent of the riparian owner or occupants of any lands whereon such rollways, booms, piers, or other constructions are intended to be made, shall first have been obtained: *And provided, also*. That no such rollway, boom, pier, or other construction, shall interrupt or hinder the free use, navigation, or floatage upon such stream or waters, by the public or any person interested in the same, to be so constructed as to infringe upon the rights of individuals.

Person owning logs, etc., may become Member.

(1941.) SEC. 5. Any person owning logs, timber or lumber, intended to be run or driven upon said stream or waters, or interested in running, driving, booming or rafting the same, may become a member of this Corporation, upon application, by signing the articles of said Company, and paying his just proportion of the expense of managing and conducting its

affairs: *Provided*, Nothing in this act contained shall be so construed as in any manner to prevent or hinder any person or persons from running, driving, booming or rafting their own logs, timber or lumber, at such time and in such manner as their interest may require: *Provided, also*, That all persons owning, running, driving, rafting or booming any logs, timber or lumber, in or upon such stream or waters, shall not leave them in such a situation as to obstruct the floatage or navigation, or clearing the banks of such stream or waters [or], in any manner thereby deprive individuals or the public of their natural privileges.

Or may run his own Logs, etc.

But not obstruct Navigation.

(1942.) SEC. 6. If any person or persons shall put, or cause to be put, into said stream or waters any logs, timber or lumber, and shall not make adequate provisions, and put on sufficient force for breaking rollways and jams of such logs, timber or lumber, in or upon such stream or waters, or for running, driving, booming, rafting, securing, or clearing the banks of the same, and thereby obstruct the floatage or navigation, or clearing the banks of such stream or waters, it shall be lawful for such Company to cause such rollways or jams to be broken, and such logs, timber, or lumber to be run, driven, boomed, rafted, secured or cleared from the banks of such stream or waters, at the charge and expense of the person or persons owning said logs, timber or lumber; and said Company shall have a lien upon such quantity of said logs, timber or lumber, as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and securing the same as aforesaid, and may sell at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places, in the township where such logs are held; and in either case, by posting a like notice also in the office of such Company, of the mark, description, and supposed owner of such logs, timber or lumber, and the amount of the charges for which the same is to be sold, a sufficient quantity of such logs, timber or lumber, to satisfy said claim, charge or demand, with the expense of such sale.

Proceedings when floatage, navigation, etc., obstructed.

(1943.) SEC. 7. Each member of said Company shall be individually liable to pay and satisfy all debts and obligations of said Company, and said Company shall have a lien on all logs, timber or lumber, run, driven, boomed, rafted, cleared from the banks, or secured by said Company, whether of its

Individual Liability of Members.

members, or other person or persons whose logs, timber or lumber have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract to that purpose, by and between said person or persons and said Company, and may sell the same on not less than thirty days' notice, made and published in like manner, and to the like effect, as provided for in the preceding section, unless otherwise provided by contract.

Lien of Company on Logs, etc., for demands due them.

List of Members and marks to be posted in office, etc.

(1944.) SEC. 8. The said Company shall keep posted in some conspicuous place in the office thereof, a list of the names of all the members thereof, and of all the persons whose logs, timber or lumber they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark or marks intended to be used upon such logs, timber or lumber, so far as the same may be known. And if any other person or persons, owning or interested in the running and securing of any logs, timber or lumber on such streams or waters, shall furnish to the Secretary of such Companies a like list of the name, residence, and mark or marks of such person or persons, the Secretary shall post the same in like manner as herein provided; and every such person shall be entitled to thirty days' notice in all cases provided for in section six of this act, to be given in the same manner as otherwise provided. And every such Company, and every person owning or interested in the running and securing as aforesaid, any logs, timber or lumber on such stream or waters, shall cause to be filed in the office of the clerk of the county in which the mouth of such stream or waters may be, the name, residence, and every mark used, or intended to be used by such Company or person.

And filed with County Clerk.

This act shall take effect immediately.

CHAPTER LXVII.

OF RAILROAD COMPANIES.

SECTION

1946. How Company Incorporated ; Articles of Association, what to contain ; Amount of Capital Stock necessary to be subscribed ; Restriction on rate of speed on flat bar ; Subscribers to Stock to subscribe Name, Residence, and Number of Shares ; Articles to be filed with Secretary of State when five per cent. is paid in ; Corporate powers of Association.
1946. Certified copy of Articles and annexed Affidavit to be evidence of Incorporation ; Articles to be recorded by Secretary of State ; Corporation may then proceed to construct Road.
1947. Books of Subscription to be opened ; Notice to be given ; When more Stock shall be subscribed than the whole Capital, how to proceed.
1948. Meeting to choose Directors ; where held ; notice to be given ; Number of Directors, and how chosen ; No person to be a Director unless a Stockholder ; Term of Office.
1949. First Election of Directors ; Certificate of, to be filed with Secretary of State ; Subsequent Elections.
1950. Annual Meeting of Stockholders ; Notice of Special Meeting, what to contain ; Proceedings when majority do not attend.
1951. Duty of Directors relative to Reports ; Rate of Interest on Loans, how fixed ; Officers may be removed by Stockholders.
1952. What Officers to be chosen ; security therefrom.
1953. Directors may require payment of Stock, as they may deem proper ; How payment enforced ; Notice of Sale of Stock forfeited.
1954. Directors may make By-Laws.
1955. Stock to be Personal Estate, and transferable.
1956. Individual liability of Stockholders, for debts ; And for labor ; Execution against

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- Company to be first returned unsatisfied ; Contribution may be enforced.
1957. Certificate of Stock, how made and attested.
1958. Penalty for declaring dividend when Company Insolvent, etc.
1959. Penalty for false representations in Reports.
1960. Map of Route to be made and filed.
1961. Powers and liabilities ; To make Surveys, etc. ; To take donations, etc. ; To purchase and take Property necessary for construction of Road ; Owners to be compensated ; To lay out and construct Roads ; To cross Watercourses, Highways, Plank Roads, etc. ; To cross, intersect, join or unite with other Railroads ; To make running arrangements therewith ; When Corporations cannot agree, Commissioners to be appointed ; To take Lands for Road, and change line thereof ; To transport persons and Property ; To erect Depots and fixtures ; To regulate transportation, and compensation therefor.
1962. How to acquire rights when unable to agree for purchase.
1963. Petition to Circuit Court therefor ; Form and requisites of Petition ; Upon whom copy of Petition and notice must be served ; How service must be made if party in interest resides in this State ; How if he resides out of this State ; How made when party in interest is a Minor, Idiot, or of unsound mind, and resides in this State ; How made when party in interest or his residence is unknown ; When Infant, Idiot, or person of unsound mind interested, has no Guardian or Committee, Judge to appoint Special Guardian or Committee, and service to be made on them ; In cases not otherwise provided for, service to be made as Judge shall direct.

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1964. On presenting Petition, parties interested may show cause; Court may appoint three Commissioners; Persons interested may demand a Jury; Jury, how drawn; How summoned; Duty of Jury.
1965. Commissioners to take official oath; Their powers and duties; To give Notice of Meeting; To view the premises, hear proofs, etc.; To determine necessity of taking property; To ascertain damages; To make Report; Compensation of Commissioners; Jurors to proceed same as Commissioners; Jurors all to be present; Jurors to take and subscribe oath; Compensation of Jurors.
1966. Court on motion to confirm Report; To direct to whom Money shall be paid, or where deposited.
1967. Copy of order to be Recorded; When Property to vest in Corporation; To be deemed taken for public use; When parties may appeal to Supreme Court; Costs of appeal in case damages are increased; Costs when damages are diminished; Appeal not to affect any parties except the parties to the appeal.
1968. Conflicting claims to damages, how determined.
1969. Court to appoint Attorney to protect rights of unknown parties; Powers of Court to amend proceedings, appoint new Commissioners, etc.
1970. If title defective, Company may proceed anew, and in such case, authorized to continue in possession.
1971. Corporation may borrow Money, issue Bonds, mortgage Property, etc.; May make Bonds convertible; When Capital Stock may be increased.
1972. Highway may be carried over or under track; When line of Highway may be changed.
1973. When and how line of Railroad may be changed; Railroad not to be located in any City without consent of Corporate authorities.
1974. Lands owned by State, Counties, or Townships, how acquired.
1975. Conductors, etc., to wear Badges; Shall have no authority without such Badge; Use of Intoxicating drinks by Employees prohibited.
1976. Annual Report to be made to Auditor General; Contents of Report.
1977. Penalty for making false Report; Auditor General to condense Reports for Legislature.
1978. Lien of the State upon Railroads, etc., for Penalties, Taxes, etc.; Lien of Citizens.
1979. Legislature may reduce Rates of Fare, etc., in certain cases.
1980. Corporation required to carry Mails, etc.;

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- When Commissioners to be appointed to fix Compensation therefor.
1981. Passengers refusing to pay, may be put out of Cars.
1982. Cars, etc., to be run at regular times, to be fixed by Notice; Corporation to furnish accommodations for Passengers and Property; To transport Persons and Property without partiality; Penalty for violation of this provision.
1983. Corporation liable for damages for refusal to transport Passengers or Property, etc.
1984. Bell and Whistle to be placed on Locomotive; When to be sounded; Penalty for neglect.
1985. Caution Boards to be erected at Road Crossings.
1986. Liability of person having charge of Engine, for being Intoxicated.
1987. Corporation to maintain Fences, etc.; Liability of Company for damages to Animals until Fences are erected; Not liable after Fences erected.
1988. Passengers injured while violating regulations, not to recover damages; Proviso.
1989. Tax to be paid to State Treasurer; How Tax estimated.
1990. Penalties incurred under this Act, how recovered.
1991. When Incorporation to become void.
1992. Company to have the rights and liabilities of Common Carriers; Not to abridge their common law liability, etc.
1993. May take Stock in other Companies; May make arrangements with other Companies for running Cars; Meeting of Stockholders to be first called, etc.
1994. When Companies may consolidate; How consolidation to be effected; Agreement to be submitted to Stockholders.
1995. When agreement is completed, filed, etc., the Two Corporations to be merged in one.
1996. Rights and interests of such New Corporation; Rights of Creditors; Debts, liabilities, etc., of Corporations.
1997. Two Companies may agree on construction of Road on line common to both; Proviso.
1998. When death caused by wrongful act, neglect, or default, Company to be liable for damages.
1999. Action to be brought in name of personal representative; Limitation of action.
2000. Punishment of Officers for issuing fraudulent Stock, etc.
2001. Punishment of Employees for violating Rules.
2002. Punishment of persons for obstructing Track, etc.
2003. Check to be affixed to Baggage; Duplicate to be given to person owning Baggage.
2004. Unclaimed Freight, Baggage, etc., how disposed of; Notice to contain a descrip-

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tion; Company to make an entry of the balance; how balance disposed of.

2006. Cars to come to full stop before crossing other Railroads.

2006. Prohibition in forming Passenger Trains.

SECTION

2007. Acts Repealed.

2008. This Act not to be construed to revive Corporations, or affect proceedings pend-

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An Act to Provide for the Incorporation of Railroad Companies.

[Approved February 12, 1855. Laws of 1855, p. 153.]

(1945.) SECTION 1. *The People of the State of Michigan enact,* How Company Incorporated.
That any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated Railroad, may be formed into a Corporation for the purpose of constructing, operating and maintaining such Railroad, by complying with the following requirements: When stock to the amount of one thousand dollars for every mile of said road so intended to be built, shall be in good faith subscribed, and five per cent. paid thereon, as herein required, then such subscribers may select Directors for said Company; and thereupon they shall severally subscribe articles of Association, in which shall be set forth the name of the Corporation, the number of years the same is to be continued, the amount of the capital stock of the Company, which shall not be less than eight thousand dollars per mile, of road constructed, or proposed to be constructed of the "T," or continuous rail; and not less than four thousand dollars per mile, of road constructed, or proposed to be constructed with the flat bar rail: *Provided,* That no car Articles of Association, what to contain.
shall be run at a higher rate of speed than fifteen miles per hour upon any road so constructed with the flat bar rail; the number of shares of which the stock shall consist, the number of Directors, and their names, who shall not exceed number one half the stockholders; the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass; and its length as near as may be, and the names of five Commissioners to open books of subscription to the stock. Each subscriber to such articles of Association shall subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such Company. The said articles of Association may be filed in the office of the Secretary of State: *Provided,* That such articles of Association shall not be filed in the office of the Secretary of State, as aforesaid, until five per cent. of the amount of the stock subscribed thereto shall have been actually Amount of Capital Stock necessary to be subscribed.
Restriction on rate of speed on flat bar.
Subscribers to Stock to subscribe name, residence, and number of Shares.
21 Barbour, 541.
Articles to be filed with Secretary of State when five per cent. is paid in.

paid in cash to the Directors named in such articles, nor until there is annexed thereto an affidavit, made by at least three of the Directors named in said articles, that the amount of stock required by this section, to wit: \$1,000 per mile, has been subscribed, and that five per cent. on the amount has actually been paid in. And thereupon the persons who have subscribed, and all persons who shall, from time to time, become stockholders in such Company, shall be a body corporate by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding and conveying, any real and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards and appurtenances, for the use of the same.

Corporate powers of Association.

Certified copy of Articles and annexed affidavit to be evidence of incorporation.

Articles to be Recorded by Secretary of State.

Company may then proceed to construct Road.

Books of subscription to be opened.

Notice to be given.

When more Stock shall be subscribed than the whole Capital, how to proceed.

(1946.) SEC. 2. A copy of any articles of Association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all Courts and places, be presumptive evidence of the incorporation of such Company, and of all the facts therein stated. And all articles of Association filed in pursuance of this act, together with all subsequent alterations and amendments thereof, and also the affidavit annexed thereto, shall be forthwith recorded in the office of the Secretary of State in a book to be provided by him for that purpose; said record to be made at the expense of the Company filing the same; and as soon as the copy of the articles of Association are filed as above provided, the Company filing the same may at once proceed to construct, operate and maintain their said Railroad. (a)

(1747.) SEC. 3. The Commissioners for opening books of subscription named in the articles of Association, shall, from time to time, after the Company shall have been incorporated, open books of subscription to the capital stock of the Company, in such places, and after giving such notice as a majority of them shall direct, which books shall be kept open until all the capital stock shall be subscribed; and in case a greater amount of stock shall be subscribed than the whole of the capital of said Company, the Commissioners shall distribute the same

(a) As Amended by "An Act to Amend an Act entitled, 'An Act to Provide for the Incorporation of Railroad Companies,' approved February twelfth, eighteen hundred and fifty-five." Approved Feb. 9, 1857. Laws of 1857, p. 187.

as equally as possible among such subscribers; but no share thereof shall be divided in making said distribution, nor shall a greater number of shares be allotted to any subscriber than shall have been subscribed for by him.

(1948.) SEC. 4. As soon as practicable after the capital stock shall have been subscribed and distributed as aforesaid, the Commissioners shall appoint a time and place for the meeting of the stockholders to choose Directors, which place of meeting shall be in one of the counties through which such Railroad is proposed to be constructed; and notice thereof shall be given by said Commissioners for at least twenty days previous to such meeting, by publication in one of the daily papers published in the City of Detroit, and some newspaper published in each county through which said road is intended to run, in which a newspaper shall be published. Not less than seven, nor more than thirteen Directors shall be chosen, and the same shall be so chosen by ballot, and by a majority of the votes of the stockholders being present, in person or by proxy; and every such stockholder, being so present at such election, or at any subsequent election, shall be entitled to give one vote for every share of stock owned by him for ten days next preceding such election, and not otherwise. No person shall be a Director unless he shall be a stockholder, owning stock absolutely, and in his own name and right, and qualified to vote for Director at the election at which he shall be chosen; and such Directors shall hold their office for one year, and until others are elected in their places.

Meeting to choose Directors, where held; notice to be given.

Number of Directors, and how chosen.

No person to be a Director unless a Stockholder.

Term of office.

(1949.) SEC. 5. The Commissioners named in the last preceding section, shall be inspectors of the first election of Directors; shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and shall also deliver to the Treasurer of said Company all moneys received by such Commissioners on subscription to such capital stock, and all books and papers in their possession relative to such subscription. All subsequent elections shall be held at such time and place, in one of the counties through which such Railroad shall pass, as shall be directed by the by-laws of the Company.

First Election of Directors.

Certificate of, to be filed with Secretary of State.

Subsequent Elections.

(1950.) SEC. 6. A general meeting of the stockholders shall be holden annually at the time and place appointed for the election of Directors, and a meeting may be called at any time by the Directors, or by the stockholders, owning not less than

Annual Meeting of Stockholders.

Notice of Special Meeting, what to contain.

Proceedings when majority do not attend.

Duty of Directors relative to Reports.

Rate of Interest on Loans, how fixed.

Officers may be removed by Stockholders.

What Officers to be chosen.

Security therefrom.

Directors may require payment of Stock as they may deem proper.

How payment enforced.

Notice of Sale of Stock forfeited.

one-fourth of the stock, by giving public notice of the time and place of such meeting, in the same manner as is provided in section four of this act: *Provided*, That such notice, when given by the stockholders, shall state the object of the meeting; and if at any such meeting called by the stockholders, a majority in value of the stock is not represented in person or by proxy, the same shall be adjourned from day to day, not exceeding three days, without doing any business, when, if such majority do not attend, the meeting shall be dissolved.

(1951.) SEC. 7. At a regular annual meeting of the stockholders of any Corporation under this act, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and full statement of the affairs of said Company; and at any meeting of the stockholders, a majority of those present in person or by proxy may require similar statements from the Directors, whose duty it shall be to furnish such statement when thus required; and at all general meetings of the stockholders, a majority in value of such stockholders may fix the rate of interest which shall be paid by the Company for loans for the construction of said Railroad and its appendages, and may remove any President or any Directors of said Company, and elect others in their stead: *Provided*, Such notice shall have been given of such intended removal as shall be provided by the by-laws.

(1952.) SEC. 8. There shall be a President of the Company, who shall be chosen by and from the Directors, and also such subordinate officers as the Company, by its by-laws shall direct, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the Company by its by-laws may require.

(1953.) SEC. 9. The Directors may require the subscribers to the capital stock of the Company to pay the amount by them respectively subscribed, in such manner and in such instalments as they may deem proper. If any stockholder shall neglect to pay any instalment as required by a resolution of the Board of Directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the Company; but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payment at the time

and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the Company; which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

(1954.) SEC. 10. The Directors shall have power to make by-laws for the management and disposition of the stock, property, and business affairs of such Company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers, and servants that may be employed, and for the appointment of all officers for carrying on the business within the objects and purposes of such Company.

Directors may
make By-Laws.

(1955.) SEC. 11. The stock of such Company shall be deemed personal estate, and shall be transferable in the manner and under such restrictions and conditions, as may be provided by the by-laws, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or said shares shall have been forfeited.

Stock to be Per-
sonal Estate, and
transferable.

(1956.) SEC. 12. All the stockholders of any such Company shall be severally individually liable to the creditors of said Company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such Company, until the whole amount of stock held by him shall have been paid in, and a certificate thereof have been made and recorded, as prescribed in the following section; but all the stockholders of any such Company shall be individually liable for all labor performed for such Company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the Corporation; and the amount due on such execution shall be the amount recoverable, with costs, against any such stockholder; and every such stockholder against whom any such recovery for such labor shall have been had, shall have a right to recover the same of the other stockholders in said Corporation, in ratable proportion to the amount of the stock they shall respectively hold with himself.

Individual liabil-
ity of Stockhold-
ers, for debts.

And for labor.
Const. Art. 15,
Sec. 7.

Execution against
Company to be
first returned un-
satisfied.

Contribution may
be enforced.

(1957.) SEC. 13. The President and a majority of the Directors, within thirty days after the payment of the last instalment upon any shares of the capital stock, shall make a certificate stating the amount of stock so paid in full, and by whom it is held and paid, and the number of such share or shares so paid in; which certificate shall be signed by the President and a majority of the Directors, and sworn to by

Certificate of
Stock, how made
and attested.

the President and Secretary; and they shall, within the said thirty days, file and record the same in the office of the Secretary of State.

Penalty for declaring dividend when Company insolvent, etc.

(1958.) SEC. 14. If the Directors of any Corporation, organized under this act, shall declare and pay any dividend when the Company is insolvent, or the payment of which would render it insolvent, they shall be severally liable to a penalty of five hundred dollars.

Penalty for false representations in Reports.

(1959.) SEC. 15. If any certificate or report made, or public notice given, by the officers of any such Company, in pursuance of the provisions of this act, shall be willfully false in any material representations, all the officers who shall have signed the same, knowing it to be false, shall be severally liable to a penalty of five hundred dollars each.

Map of Route to be made and filed.

(1960.) SEC. 16. Every such Company proceeding to construct a part of their road into or through any county named in their certificate of Association, shall make a map of the route intended to be adopted by such Company, which shall be certified by a majority of the Directors, and filed in the office of the Register of Deeds of such county, for inspection and examination of all persons interested therein.

Powers and liabilities of Corporation.

(1961.) SEC. 17. Every such Corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say:

To make Surveys, etc.

1. To cause such examination and surveys for the proposed Railroads to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents, and servants, to enter upon lands or waters of any person or Company, but subject to liability for all damages which they shall do thereto;

To take donations, etc.

2. To receive, hold and take, such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance and accommodation of such road; but the real estate thus received by voluntary grant, shall be held and used for the purposes of such grant only;

To purchase and take Property necessary for construction of Road.

3. To purchase, and by voluntary grants and donations receive and take, and by its officers, Engineers, Surveyors and Agents, enter upon and take possession of, hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its Railroad, and stations, depots, and other accommodations, but not until the compensation to be made therefor, as agreed upon by the

parties, or ascertained as hereinafter prescribed, be paid to the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor ;

4. To lay out its road not exceeding six rods wide, and to construct the same ; and for the purpose of cutting embankments, and procuring stone and gravel, may take as much more lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road ;

5. To construct their road across any stream of water, watercourse, private road, highway, plank road, railroad, or canal, which the route of its road shall intersect, but the Corporation shall restore the stream, or watercourse, private road, highway, plank road, railroad, or canal, to its former state, as near as may be ;

6. To cross, intersect, join and unite its Railroad with any other Railroad now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other Railroad Company, with the necessary turn outs, sidings and switches, and other conveniences, in furtherance of the object of its connections ; and to make all such running and business arrangements as said Companies may agree upon ; and every Company whose Railroad shall be intersected by any new Railroad, shall unite with the owners of such new Railroad in forming such intersections and connections, and grant the facilities aforesaid ; and if the two Corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by Commissioners, to be appointed by the Court, as is provided hereinafter for the taking of lands and other property, and to purchase or to take lands, franchises or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the line of its road, whenever a majority of its Directors shall so determine ; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders ;

7. To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor ;

Owners to be compensated.

To lay out and construct Roads.

To cross Water-courses, Highways, Plank Roads, etc.

To cross, intersect, join, or unite with other Railroads.

To make running arrangements therewith.

When Corporations cannot agree, Commissioners to be appointed.

To take Lands for Road, and change line thereof.

To transport persons and property.

To erect depots
and fixtures.

8. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor ;

To regulate
transportation,
and compensa-
tion therefor.

9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor ; but such compensation for any passenger and his ordinary baggage, shall not exceed three cents a mile, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided.

How to acquire
rights when un-
able to agree - for
purchase.

(1962.) SEC. 18. In case any Railroad Company is unable to agree for the purchase of any real estate, property, or franchise required for the purpose of its incorporation, and when it shall have failed to secure the same by legal proceeding, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act, but there shall be no power, except for crossing, to take the track or rights of way of any other Railroad Company without the consent of said Company.

Petition to Cir-
cuit Court there-
for.

(1963.) SEC. 19. For the purpose of acquiring such title, such Company may present a petition to the Circuit Court for such county, at any term thereof, or during vacation of term, to any Judge of a Court of Record, praying for the appointment of three Commissioners ; said petition shall be in the name of the Company, and shall be signed by one of the Directors, or the Engineer, or the Attorney of said Company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the Company seeks to acquire under such petition in said county ; that said Company is duly incorporated ; that it is the intention of said Company in good faith to construct and finish a Railroad from and to the places named for that purpose in its article of Association ; that the capital stock of the Company has been in good faith subscribed as required by this act ; that the Company have surveyed the route of its proposed road in said county, and made a map and survey thereof, by which said route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the Directors of said Company, in the clerk's office of said county ; that the property described in the petition is required for the purpose of constructing, operating or repairing the proposed road or its appurtenances, and that the

Form and requi-
sites of Petition.

Company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, with reasonable diligence be ascertained, who own, or have, or claim to own, or have, estates or interests in said property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances, or otherwise, as the Company may see fit to make; a copy of such other facts and allegations as to incumbrances, or otherwise, as the Company may see fit to make; a copy of such petition, with a notice of the time and place, will be presented to such Court or to any Judge of a Court of Record, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the Court, or to any Judge of a Court of Record.

1. If the person on whom service is to be made resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but has such agent as aforesaid residing in this State, then service may be made on such agent in manner aforesaid, or upon him personally out of this State; or it may be by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, in some daily paper published in the City of Detroit, and in a paper printed in the county in which such lands or property are situated, if there be one, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such person residing out of this State be known, a copy of such petition shall be deposited in the post office, at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, and the postage in the United States paid thereon.

Upon whom copy of Petition and Notice must be served.

How service must be made if party in interest resides in this State.

How if he resides out of this State.

2. If any person on whom such service is to be made is a minor or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid on his guardian or committee, as the case may be, or if none, then on

How made when party in interest is a Minor, Idiot, or of unsound mind, and resides in this State.

the person who has the care of, or with whom said infant, idiot, or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally.

How made when party in interest or his residence is unknown.

3. If the person on whom such service is to be made be unknown, or his residence be unknown, then such service may be made by publication for six weeks, in the same manner provided in the first subdivision in this section.

When Infant, Idiot, or person of unsound mind interested, has no Guardian or Committee, Judge to appoint Special Guardian or Committee, and service to be made on them.

4. In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian or committee, the Judge of the Circuit Court, or any Judge of a Court of Record, shall appoint a special guardian or committee to attend to the interest of such infant, idiot, or person of unsound mind; and all notices to be served in the progress of the proceeding, may be served on such special guardian or committee.

In cases not otherwise provided for, service to be made as Judge shall direct.

5. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as the Judge of the Circuit Court, or any Judge of a Court of Record, may direct. (b)

On presenting Petition, parties interested may show cause.

(1964.) SEC. 20. On presenting such petition to the Circuit Court, or any Judge of a Court of Record as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all persons whose estates or interest is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein; the Judge of the Circuit Court, or a Judge of any Court of Record shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said Circuit Court, or Judge of any Court of Record shall make an order appointing three disinterested and competent freeholders, not residing or owning real estate in any township or city through which said road is to run, as Commissioners to ascertain and determine the necessity for taking such lands, franchises or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the Company; and such Circuit Court or Judge of any Court of Record shall fix

Court may appoint three Commissioners.

F (b) As Amended by "An Act to Amend Sections Nineteen, Twenty, and Twenty-One of an Act entitled, 'An Act to Provide for the Incorporation of Railroad Companies,' Approved February 12, 1865." Approved and took effect February 3, 1867. Laws of 1867, p. 46.

the time and place for the first meeting of such Commissioners: *Provided*, That any person or persons, or Company, whose estate or interest is affected by the proceedings, may demand and have from such Circuit Court, or Judge of any Court of Record at the time of the hearing of said petition, a jury of twelve freeholders residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchises or other property, and appraise and determine the damages or compensation to be allowed therefor, and thereupon said Court, or Judge of any Court of Record shall make an order for the drawing of such jury from the petit jury box of the county, and the clerk shall, thereupon, draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor, by the Court or Judge of any Court of Record, which said venire may be served by the Sheriff or other proper officer of the county, as in other like cases; and if, at the time and place appointed by said Court, or a Judge of any Court of Record, for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said Court or Judge of any Court of Record, to order the Sheriff of said county to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, and said jury, when so summoned, shall ascertain and determine the necessity for taking lands, franchises or other property, and to appraise and determine the damages or compensation to be allowed therefor, to the owners or persons interested in each particular description of real estate mentioned in said petition, who have demanded such jury, and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived. (c)

(1965.) SEC. 21. The Commissioners shall take and subscribe the oath prescribed by article eighteen of the Constitution; any of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time in their discretion; whenever they must (meet), except by appointment of the Court, or Judge of any Court of Record, or by previous adjournment, they

Persons interested may demand a Jury.

Jury, how drawn.

How summoned.

Duties of Jury.

Commissioners to take official oath

Their powers and duties.

To give Notice of Meeting. shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the Company on account of any damage, or on account of the construction, repairing or operating of said Railroad, or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to the Clerk of the Circuit Court of such county, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said Circuit Court, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said Commissioners shall be entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the Company, and in case a jury shall have been demanded and ordered by the Court or Judge of any Court of Record, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage or compensation to be paid by the Company therefor, in the same manner and with like effect as is provided in this section in the case of Commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said Company

To view the premises, hear proofs, etc.

To determine necessity of taking property.

To ascertain damages.

To make Report.

Compensation of Commissioners.

Jurors to proceed same as Commissioners.

Jurors all to be present.
Jurors to take and subscribe oath.

to the owners of, or persons interested in, each particular description of real estate mentioned in said petition, who have demanded said jury, and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the Company. (d)

(1966.) SEC. 22. On such report being made by the Commissioners or jury, the Court, on motion of the Company, shall confirm the same at the next term, or if said report is made and filed during term time, then the same shall be confirmed during said term, unless for good cause shown by either party; and when said report is confirmed, said Court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, [or] where it shall be deposited by the Company; said Court, as to the confirmation of such report, shall have all the powers usual in other cases.

(1967.) SEC. 23. A certified copy of the order so to be made shall be recorded at full length in the office of the Register of Deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said Company of the sum to be paid as compensation for such land, franchise or other property, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, the Company shall be entitled to enter upon and take possession of, and use the said land, franchise and other property for the purposes of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate and interest in such real estate, franchise or other property, until such right or title shall be again legally vested in such owner; and all real estate or property whatsoever, acquired by any Company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the Commissioners or jury, as above provided for, either party may appeal by notice in writing to the other, to the Supreme Court, from the appraisal or report of the Commissioners or jury; such appeal shall be heard by the Supreme Court at any general or

Compensation of Jurors.]

Court on Motion to confirm Report.

To direct to whom Money shall be paid, or where deposited.

Copy of order to be Recorded.

When Property to vest in Corporation.

To be deemed taken for public use.

When parties may appeal to Supreme Court.

special term thereof, on such notice thereof being given according to the rules and practice of the Court; on the hearing of such appeal, the Court may direct a new appraisal before the same, or new Commissioners or jury, in its discretion. The second report shall be final and conclusive upon

Costs of appeal in case damages are increased.

all parties interested. If the amount of the compensation to be allowed by the Company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the Company to the parties entitled to the same, or shall be deposited as the Court shall direct; and in such case all costs of the appeal shall be paid by the Company;

Costs when damages are diminished.

but if the amount is diminished, the difference shall be refunded to the Company by the party to whom the same may have been paid, and judgments therefor, and for all costs of the appeal, shall be rendered against the party so appealing;

Appeal not to affect any parties except the parties to the appeal.

on the filing of the report, such appeal, when made by any claimant, of damages, shall not affect the said report as to the right and interests of any party, except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such Company of the land appraised; and when the same is made by others than the Company, it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Conflicting claims to damages, how determined.

(1968.) SEC. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the Court may direct the money to be paid into the said Court by the Company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Court to appoint Attorney to protect rights of unknown parties.

(1969.) SEC. 25. The Court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent;

Powers of Court to amend proceedings, appoint New Commissioners, etc.

the Court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other Commissioners in the place of any who shall die.

or refuse or neglect, or are unable to serve, or who may leave or be absent from the State.

(1970.) SEC. 26. At any time after an attempt to acquire title by any Railroad Company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the Company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the Court may authorize the Corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any Company, or any officer or workmen of such Company on account thereof, on such Company paying into Court a sufficient sum, or giving security as the Court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may conduct the proceedings to a conclusion, if the Company delays or omits to prosecute the same.

If Title defective, Company may proceed anew, and in such case authorized to continue in possession.

(1971.) SEC. 27. All Companies organized under this act (and all other Railroad Companies), shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their Railroad, and to issue and dispose of their bonds for any amount so borrowed for such sums, and at such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the Company for the purposes aforesaid; and the Directors of the Company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said Company at any time, not exceeding twenty years from the date of said bond, under such regulations as the Company may see fit to adopt; and such Company may sell their bonds either within or without this State, at such rates and prices as they may deem proper; and in case the capital stock of any such Railroad Company is found to be insufficient for constructing or operating its road, or for building a double track, repairs or other improvement to facilitate the transportation of persons and property, such Company may, with the concurrence of a majority of its stockholders, by vote at any annual

Corporation may borrow Money, issue Bonds, mortgage Property, etc.

May make Bonds convertible.

When Capital Stock may be increased.

meeting, or special meeting called for that purpose, increase its capital stock to the requisite amount.

Highway may be carried over or under track.

(1972.) SEC. 28. Whenever the track of any Railroad crosses or shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said Company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said Directors, unless the land so taken shall be purchased or voluntarily given for the purposes aforesaid; the necessity thereof and the compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said Corporation to the owners and persons interested in such lands; the same, when so taken, or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

When line of Highway may be changed.

When and how line of Railroad may be changed.

(1973.) SEC. 29. If, at any time after the location and use of the track of any Railroad Company organized under the provisions of this act, it shall appear to the Directors of said Company that the line in some parts thereof may be improved, it shall be lawful for said Directors from time to time to alter the lines, and cause a new map to be filed in the office where the map showing the first creation of such Company is or shall be filed, and in the Register's office of any county through which, by means of such change, said road shall pass, or into which it shall run; and when a new line is adopted, to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted.

Railroad not to be located in any city without consent of Corporate authorities.

Nothing in this act contained shall authorize the said Company to make a location of their track within any city without the consent of the Common Council of said city, nor in any incorporated village without the consent of the corporate authorities thereof.

(1974.) SEC. 30. If any such Corporation shall, for its

purpose aforesaid, require any land belonging to the People of this State, or to any of the counties or towns, the Commissioner of the Land Office, and the county and town officers respectively, having charge of said lands, may grant such lands to such Corporation for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases; all notices in cases where the State is owner, to be served upon the Commissioner of the Land Office; when the county is the owner, upon the Prosecuting Attorney of such county, and when the township is the owner, upon the Supervisor of such township.

(1975.) SEC. 31. Every Conductor, Baggage Master, Engineer, brakeman, or other servant of such Railroad Corporation, organized under the provisions of this act, or otherwise created, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the Corporation by which he is employed. No Conductor, or Collector, without such badge, shall demand or be entitled to receive from any passenger any fare, toll or ticket, or to exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage, or property. No person shall be employed as an Engineer, Fireman, Baggage Master, Conductor, or other servant, upon any Railroad, who uses intoxicating drinks as a beverage; and any Company in whose service any such person shall be employed, shall be liable to a penalty of twenty-five dollars for every such offence, to be sued for in the name of the People of this State: *Provided*, That no such Company shall be liable to said penalty, unless it shall appear that the Superintendent or other officers having charge or supervision over such employee, or whose duty it is to report the misconduct of such employee so using intoxicating liquor, had knowledge of the fact that such employee used, or had used, while in the employ of such Railroad Company, such liquor.

(1976.) SEC. 32. Every Railroad Corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the Treasurer, or President and acting Superintendent, of the operations of the year ending on the first day of January in each year, and shall state:

1. The capital stock and the amount actually paid in;

Lands owned by State, Counties or Townships, how acquired.

Conductors, etc., to wear Badges.

Shall have no authority without such Badge.

Use of Intoxicating Drinks by Employees prohibited.

Annual Report to be made to Auditor General.

Contents of Re-
port.

2. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars respectively ;

3. The amount and nature of its indebtedness, and the amounts due the Corporation ;

4. The amount received for the transportation of passengers, of property, of mails, and from other sources ;

5. The amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles ;

6. The amount paid for repairs, engines, cars, buildings, and salaries ;

7. The number and amount of dividends, and when paid ;

8. The number of engine houses and shops, of engines and cars, and their character ;

9. The number of miles run by passenger, freight, and other trains respectively ;

10. The number of men employed, and their occupation ;

11. The number of persons injured in life or limb, and the cause of such injury ;

12. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the Corporation, and whether such person is retained in the service of the Corporation.

Penalty for mak-
ing false Report.

(1977.) SEC. 33. Any such Corporation which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the People of this State.

Auditor General
to condense Re-
ports for Legisla-
ture.

It shall be the duty of the Auditor General to arrange the information contained in such reports in a tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the Legislature, on the first day of its regular session.

Lien of State
upon Railroads,
etc., for penal-
ties, Taxes, etc.

(1978.) SEC. 34. This State shall have a lien upon all Railroads therein, and their appurtenances and stock therein, for all penalties, taxes and dues which may accrue to the State from the Corporations owning the same, which lien of the State shall take precedence of all demands, judgments or decrees against said Corporations ; and each citizen of this State shall have a lien upon all the personal property of said Corporations, for all penalties, dues and demands against any

Lien of Citizens.

such Corporation, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said Corporation.

Legislature may
reduce Rates of
Fare, etc., in
certain cases.

(1979.) SEC. 35. The Legislature may, when any Railroad organized under this act is opened for use, from time to time alter or reduce the rates of toll, fare, freight, or other profits upon such road; but the same shall not, without the consent of the Corporation, be so reduced as to produce less than fifteen per cent. per annum on the capital actually paid in; nor, unless on an examination of the amounts received and expended, to be made by the Auditor General, he shall ascertain that the net income divided by the Company from all sources for the year then last past, shall have exceeded an annual income of fifteen per cent. upon the capital of the Corporation actually paid in.

Corporation re-
quired to carry
Mails, etc.

(1980.) SEC. 36. Any Corporation organized under this law shall, when applied to by the Postmaster General, convey the mails of the United States on their road or roads respectively; and in case such Corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three Commissioners, who, or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting, to the Corporation, shall determine and fix the prices, times and conditions aforesaid; but such prices shall not be less for conveying said mails in the regular passenger trains, than the amount which said Corporation would receive as freight on a like weight of merchandise, transported on their merchandise train, and a fair compensation for the post office car. And in case the Postmaster General shall require the mail to be carried at other hours and at a higher speed than the passenger trains be run at, the Corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

When Commis-
sioners to be ap-
pointed to fix
compensation
therefor.

(1981.) SEC. 37. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the Conductor of the train and servants of the Corporation to put him out of the cars at any usual stopping place or dwelling house the Conductor shall select.

Passengers refus-
ing to pay may be
put out of Cars.

Cars, etc., to be run at regular times, to be fixed by notice.

Corporation to furnish accommodations for passengers and property.

To transport persons and property without partiality.

Penalty for violation of this provision.

Corporation liable for damages for refusal to transport passengers or property, etc.

Bell and Whistle to be placed on Locomotive.

When to be sounded.

3 Kernan, 78.

Penalty for neglect.

13 Illinois, 548.

2 Cushing, 543.

Caution Boards to be erected at road crossings.

(1982.) SEC. 38. Every Corporation in the last section mentioned shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of toll, freight or fare, legally authorized therefor; and every such Corporation shall transport merchandise, property and persons from the various stations upon said road, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch, and in the order in which said freight and property shall have been received, under a penalty, for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against such Corporation.

(1983.) SEC. 39. In case of the refusal by such Corporation or agents, so to take and transport any such passengers or property as aforesaid, or to deliver the same or either of them, at the regular or appointed time, without a legal or just excuse for such default, such Corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, or the penalty prescribed in section thirty-eight of this act, at the election of the party aggrieved.

(1984.) SEC. 40. A bell of at least thirty pounds weight, and a steam whistle, shall be placed on each locomotive engine, and said bell shall be rung, or whistle sounded at the distance of not less than eighty rods of the place where the said road shall cross any other road or street, under a penalty of fifty dollars for every neglect, to be paid by the Corporation owning such Railroad, and the Railroad Corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

(1985.) SEC. 41. Every Railroad Corporation shall, and they are hereby authorized to cause boards to be placed, well supported by posts or otherwise, and maintained across each public road or street, where the same is crossed by the Railroad, and on the same level; the boards shall be elevated so as not to obstruct the travel, and to be easily seen by travelers,

and on each side of said board shall be printed in capital letters, of the size of not less than nine inches each, the words, "Railroad Crossing; look out for the cars!" But this section shall not apply to streets in cities or villages, unless the Railroad Corporation be required to put up such boards by the officers having charge of such streets.

(1886.) SEC. 42. If any person shall be intoxicated, while in charge of a locomotive engine, running upon the Railroad of any Corporation in this State, or while acting as the Conductor of any train of cars on any such Railroad, he shall be liable for all damages incurred or produced by either his neglect or inefficiency, and shall be deemed guilty of a misdemeanor.

(1887.) SEC. 43. Every Railroad Corporation formed under this act shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings, and gates therein, and convenient farm crossings of the road, for the use of the proprietors of lands adjoining such Railroad, and also to construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the Railroad; until such fences and cattle guards shall be duly made, the Corporation and its agents shall be liable for all damages which shall be done by their agents or engines to cattle, horses or other animals thereon, and all other damages which may result from the neglect of said Corporation to erect and maintain fences and farm crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the Corporation shall not be liable for any such damages unless negligently or willfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards, other than at farm crossings, without the consent of the Corporation, he shall, for every such offence, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby, to the party aggrieved.

(1888.) SEC. 44. In case any passenger on any Railroad shall be injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations of the Company, posted up at the time, in a conspicuous place inside its passenger cars then in the train, such Company shall not be liable for the injury: *Provided*, Said Company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.

Liability of person having charge of engine, for being intoxicated.

Corporation to maintain Fences, etc.

Liability of Company for damages to Animals until Fences are erected.
5 Ind. 111.

Not liable after Fences erected.
13 Barb., 594.
3 Kernan, 42.
8 Foster (N. H.), 161.

Passengers injured while violating regulations, not to recover damages.

Proviso.

Tax to be paid to
State Treasurer.

(1989.) SEC. 45. Every Corporation formed under the provisions of this act, shall, on or before the first day of July, pay the State Treasurer an annual tax of one per cent. on the capital stock of said Company paid in, which tax shall be in lieu of all other taxes upon the property of said Company, whether real, personal, or mixed, except penalties by this act imposed; the said tax shall be estimated upon the last annual report of said Corporation; but nothing contained in this section shall apply to any existing Corporations.

How Tax estima-
ted.

Penalties incur-
red under this
Act, how recover-
ed.

(1990.) SEC. 46. All penalties incurred under the provisions of this act, when not otherwise provided for, may be sued for in the name of the People of the State of Michigan; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a Justice of the Peace.

When incorpora-
tion to become
void.

(1991.) SEC. 47. If any Railroad Corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in seven years thereafter, its act of incorporation shall become void, so far as it applies to that portion of said road then unfinished.

Company to have
the rights and lia-
bilities of Com-
mon Carriers.

(1992.) SEC. 48. Any Railroad Company receiving freight for transportation, shall be entitled to the same rights, and subject to the same liabilities as common carriers, except as herein otherwise provided. Whenever two or more Railroads are connected together by running arrangements, any Company owning either of said roads receiving freight to be transported by agreement to any place on the line of either of the said roads so connected, shall be liable as common carriers for the delivery of such freight at such place. In case any such Company shall become liable to pay any sum, by reason of the neglect or misconduct of any other Company or Companies, the Company paying such sum may collect the same of the Company or Companies by reason of whose neglect or misconduct it became so liable. No Railroad Corporation created in this State shall be suffered to lessen, or directly or indirectly abridge their common law liability as such common carriers.

Not to abridge
their Common
Law liability, etc.

May take Stock in
other Companies.

(1993.) SEC. 49. Any Railroad Company in this State may, by means of subscription to the capital of any other Company or otherwise, aid such Company in the construction of its Railroad, with the assent of such other Company; or any Railroad Company, in order to facilitate the transaction of business, and prevent the expense to the public of delays, stoppages, and unnecessary transshipment of merchandise and

passengers, may make any arrangements with other Railroad Companies within or without this State, for the running of its cars over the road of such other Company, or for the working and operating of such other Railroads as said Companies shall mutually agree upon ; such agreement, however, to be filed in the office of the Secretary of State, and be open to the inspection of the public ; and any two or more Railroad Companies whose lines are connected, may enter into any arrangements for their common benefit, consistent with, and calculated to promote the objects for which they were created : *Provided*, that no such aid shall be furnished, nor arrangement perfected, until a meeting of stockholders of each of said Companies shall have been called by the Directors thereof, at such time and place, and in such manner as they shall designate, and the holders of a majority in interest of the stock of such Company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

May make arrangements with other Companies for running Cars.

Meeting of Stockholders to be first called, etc.

(1994.) SEC. 50. Any Railroad Company in this State, forming a continuous or connected line with any other Railroad Company, may consolidate with such other Company either in or out of this State, into a single Corporation : *Provided*, That no such Companies having parallel lines, or lines diverging and converging, but being conterminous, shall be permitted to consolidate themselves into one Corporation. The Directors of said two or more Corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two or more Corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new Corporation, the number of the Directors thereof, which shall not be less than seven nor more than thirteen, the time and place of holding the first election of Directors, the number of shares of capital stock in the new Corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more Corporations into shares in such new Corporation, with such other details as they shall deem necessary to perfect such consolidation of said Corporations ; and such new Corporation shall possess all the powers, rights and franchises conferred upon such two or more Corporations, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization, not inconsistent with the provisions of this act. Such agreement of the Directors shall not be deemed to be the agreement

When Companies may consolidate.

How consolidation to be effected.

Agreement to be submitted to Stockholders.

of the said two or more Corporations, until after it has been submitted to the stockholders of each of said Corporations separately, at a meeting thereof, to be called as aforesaid, and has been sanctioned by such stockholders, by the vote of a majority in interest of the stockholders present at such meeting, in person or by proxy and voting, each share of capital stock being entitled to one vote; and when such agreement of the Directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the Directors shall be deemed to be the agreement of the said two or more Corporations.

When agreement is completed, filed, etc., the two Corporations to be merged in one.

(1995.) SEC. 51. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more Corporations mentioned or referred to in the said section, shall be merged in the new Corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

Rights and interests of such new Corporation.

(1996.) SEC. 52. Upon the election of the first Board of Directors of the Corporation created by said agreement, all all and singular the rights and franchises of each and all of said two or more Corporations, parties to such agreement, all and singular their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to, and vested in, such new Corporation, without any other deed or transfer; and such new Corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner, and to the same intent as if the said two or more Corporations, parties to such agreement, should have continued to retain the title and transact the business of such Corporations; and the titles and the real estate acquired by either of said two or more Corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said Corporations, parties to said agreement, shall be, and hereby are, preserved unimpaired, and the respective Corporations shall continue to exist, so far as may be necessary to

Rights of Creditors.

Debts, Liabilities, etc., of Corporation.

enforce the same: *And provided further*, That all the debts, liabilities and duties of either Company shall thenceforth

attach to such new Corporation, and be enforced against the same, to the same extent and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

(1997.) SEC. 53. Whenever two Railroad Companies shall, Two Companies may agree on construction of Road on line common to both. for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said line as is common to both of them, by one of the Companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the Company that is not to construct the part of the line which is common to both, may alter and amend its articles of Association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed in such amended articles of Association. Nothing in this act shall be construed to release Proviso. any chartered Company from building any line of road which by its charter it is obligated to build, or to transfer to any other Company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

(1998.) SEC. 54. Whenever the death of a person shall be When death caused by wrongful act, neglect, or default, Company to be liable for damages. caused by wrongful act, neglect or default of any Railroad Company or its agents, and the act, neglect or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages, in respect thereof, then, and in every such case, the Railroad Corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

(1999.) SEC. 55. Every such action shall be brought by and Action to be brought in name of personal representative. in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of damages as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person: *Provided*, That any Limitation of action. such action shall be commenced within two years of the death

8 Barbour, 381.
13 do 9.
21 do 245, 506.
16 Illinois, 558.
2 Cushing, 539.

of such person; but nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the Courts of this State.

Punishment of
Officers for issu-
ing fraudulent
Stock, etc.

(2000.) SEC. 56. If any President, Secretary or other officer of any Railroad Corporation within this State shall willfully, and with intent to defraud said Corporation or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said Corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison at hard labor, not less than three years.

Punishment of
Employees for
violating Rules.

(2001.) SEC. 57. Any Conductor, Engineer, servant, or other employee of any Railroad Corporation, who shall willfully violate any of the written or printed rules thereof, in relation to the running of cars or train for the transportation of persons or property, shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, or to imprisonment in the county jail not more than six months.

Punishment of
persons obstruct-
ing track, etc.

(2002.) SEC. 58. If any person shall, by the placing of any impediment upon the track of any Railroad, or by any other means whatsoever, throw from said track any engine or cars used thereon, or attempt so to do, whether such engine or cars be thrown from said track or not, or shall, by any other means whatsoever, willfully endanger or attempt to endanger the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the State Prison during his natural life, or any number of years, at the discretion of the Court.

Check to be affix-
ed to Baggage.

(2003.) SEC. 59. A check shall be fixed to every parcel of baggage when taken for transportation by the agent or servant of such Corporation, if there is a handle, loop or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the Corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his fare, the same shall be refunded by the Conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Duplicate to be
given to person
owning Baggage.

(2004.) SEC. 60. Every Railroad Company which shall have ^{Unclaimed freight, baggage, etc., how disposed of} had unclaimed freight not perishable, or unclaimed baggage, in its possession, for a period of one year at least, may proceed to sell the same at public auction, and out of the proceeds may retain the charges of transportation and storage of such freight, and the expenses of advertising and sale thereof; but no such sale shall be made until the expiration of six weeks from the first publication of notice of such sale in at least one newspaper published in the City of Detroit, and also in one newspaper published at, or nearest the place where such freight or baggage was directed to be left, and also at the place where such sale is to take place; and said notice shall ^{Notice to contain a description.} contain a description of such freight or baggage, the place at which, and the time when the same was left, as near as may be, together with the name of the owner or person to whom consigned, if known; and the expenses incurred for advertising shall be a lien upon such freight in a ratable proportion, according to the value of each article, package or parcel, if more than one; in case such unclaimed freight shall be in its nature perishable, then the same may be sold as soon as may be, on giving the notice required in this section, after its receipt at the place where it was directed to be left. Such ^{Company to make entry of the balance; how balance disposed of.} Railroad Company shall make an entry of the balance of the proceeds of the sale, if any, of each parcel of freight owned by or consigned to the same person, as near as can be ascertained, and at any time within five years thereafter shall refund any surplus so retained to the owner of such freight or baggage, his or her heirs or assigns, on satisfactory proof of such ownership.

(2005.) SEC. 61. Every passenger, freight, or other train of ^{Cars to come to full stop before crossing other Railroads.} cars running upon any Railroad, shall come to a full stop before crossing any other Railroad built or constructed upon the same grade; and every Engineer, Conductor, or other person having charge or control of such train of cars, who shall offend against the provisions of this section, shall forfeit for each offence the sum of one hundred dollars, to be recovered by action of debt; and any Railroad Company who shall, by their rules and regulations for running trains of cars upon such Railroad, require any passenger, freight, or other train to cross any other Railroad built or constructed upon the same grade, without coming to a full stop before such crossing, shall forfeit a like sum for every day such rule or regulation shall continue in force, to be recovered as aforesaid.

Prohibition in
forming passen-
ger trains.

(2006.) SEC. 62. In forming a passenger train upon any Railroad organized under the provisions of this act, baggage, freight, merchandise or lumber cars, shall not be placed in rear of the passengers cars; and if they, or any of them, shall be so placed, the officer or agent who so directed, or knowingly suffered such arrangement, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Acts Repealed.

(2007.) SEC. 63. All acts the subjects of which are herein re-enacted, or which contravene or are inconsistent with the terms and intention of this act, are hereby repealed.

SEC. 64. This act shall take effect immediately.

An Act to Amend an Act entitled, "An Act to Provide for the Incorporation of Railroad Companies."

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1856, p. 193.]

(2008.) SECTION 1. *The People of the State of Michigan enact,* That section fifty-nine of an act entitled, "An Act to Provide for the Incorporation of Railroad Companies," be amended by adding, at the end of said section, the following words: "Provided that nothing in this Act contained shall be in any manner whatsoever construed to revive or continue in force any charter of incorporation, where forfeitures have been incurred, or to affect any suit or proceeding at law now pending relative to any alleged forfeiture of franchises on the part of any such Railroad Corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such Railroad Corporation prior to the passage of this Act." So that said section, as amended, will read as follows, viz.: "All Acts, the subjects of which are herein re-enacted, or which contravene, or are incon-

This Act not to
be construed to
revive Corpora-
tions or affect
proceedings
pending.

sistent with the views and intentions of this act, are hereby repealed: *Provided,* That nothing in this act contained shall, in any manner whatsoever, be construed to revive or continue in force any charter of incorporation, where forfeitures have been incurred, or to affect any suit or proceeding at law now pending, relative to any alleged forfeiture of franchises on the part of any such Railroad Corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such Railroad Corporation prior to the passage of this act." (e)

(e) It will be perceived that original Section sixty-three was the Section designed to be amended by this Act, instead of fifty-nine.

CHAPTER LXVIII.

OF RELIGIOUS SOCIETIES.

SECTION

2009. Chapter 52 of Revised Statutes of 1846, repealed.
2010. Five or more may organize Religious Society, and elect Trustees.
2011. Minister, etc., may be President; Qualifications of voters.
2012. Notice of Election, how given.
2013. Who to be Inspectors of Election, etc.; Certificate to be made, stating name of Trustees, corporate name, etc.
2014. Certificate to be acknowledged; County Clerk to Record Certificate; Trustees to become body Corporate.
2015. Common Seal of Corporation; Trustees to take possession of Property.
2016. Rights and powers of Trustees; Limitation of time for holding certain Property; When Land shall revert to donor or grantor.
2017. Trustees may build Meeting Houses, etc., but not for secular purpose.
2018. To manage the temporal affairs of Church.
2019. To appoint certain officers, regulate their fees, etc.; Duty of Clerk.
2020. Meeting of Trustees, how called, etc; President to have casting vote.
2021. Term of office, classification, etc., of Trustees; Articles may provide for Annual Election of whole Board of Trustees.
2022. Clerk to notify Minister, etc., of expiration of office of Trustees; Minister to notify Members, and appoint election.
2023. Election to be held six days before expiration of term; Vacancies to be filled for remainder of term.
2024. Certain persons not entitled to vote.
2025. Clerk to register names of stated hearers, etc.
2026. Trustees not to have power to fix salary of Minister, etc.

SECTION

2027. Court may grant order of Sale of Real Estate of Corporation in certain cases.
2028. Notice of application for order.
2029. Lands, etc., conveyed to Trustees to be held in trust.
2030. No Officer of any Church to hold Property in official capacity; Certain grants, etc. void; Ecclesiastical Corporations not recognized as existing at Common Law, etc.
2031. No Ecclesiastical Law or custom to be recognized in the tenure of Real Estate, etc.; Proviso.
2032. Certain bequests to be void; Certain deeds, etc., to be void.
2033. Certain legacies, etc., to be void.
2034. Certain conveyances to be void unless made to Corporation, etc.
2035. Existing Societies confirmed, subject to this Act; Certain vacancies may be filled, and Societies reorganized under this Act.
2036. Act to apply to all Religious Societies.
2037. How Protestant Episcopal Churches may be organized.
2038. What the Articles of Association to contain.
2039. Articles to be recorded.
2040. Who may call first Meeting; Notice of Meeting; Who to be Voter thereat; Election of Vestrymen.
2041. Who may vote at subsequent Meetings; When Annual Meeting to take place.
2042. Vestrymen may appoint Wardens, Secretary and Treasurer; Vestry Meeting, by whom called; Rector to preside; Vacancies in Vestry, how filled.
2043. Vestry to manage temporal affairs.
2044. When Trustees may be appointed by Officers of Churches; Certificate or appointment; Such Trustees to be body Corporate.
2045. Repeal of conflicting enactments.

An Act concerning Churches and Religious Societies, establishing uniform rules for the acquisition, tenure, control and disposition of Property Conveyed or Dedicated for Religious Purposes, and to Repeal Chapter Fifty-Two of the Revised Statutes.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 313.]

Chapter 52 of Revised Statutes of 1846 repealed.

(2009.) SECTION 1. *The People of the State of Michigan enact,* That Chapter fifty-two of the Revised Statutes of 1846, entitled, "Of Religious Societies," be and the same is hereby repealed, saving all rights which may have accrued under the same, subject to the modifications provided in this act.

Five or more may organize Religious Society, and elect Trustees.

(2010.) SEC. 2. It shall be lawful for any number of persons of full age, not less than five, who may be desirous of forming themselves into a church, congregation or Religious Society, and who shall sign articles of Association for that purpose, to assemble together at such place as they may select, and by a plurality of votes by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, as Trustees, to take charge of the property belonging to, and transact all the affairs relative to the temporalities of such church, congregation or Religious Society.

Minister, etc., may be President.

(2011.) SEC. 3. It shall be lawful for any such church, congregation or Religious Society, to choose their minister, priest, curate, rector, parson, or officiating clergyman, for the time being, to be the President of said Corporation and of their meetings, by a vote as aforesaid; and at the first election provided for in this act, every person who shall have signed the articles, and at any subsequent elections every person of full age, who has for six months been a stated worshipper with, or a contributor regularly for one year previous to the support of such church, congregation or Society, shall be entitled to vote.

Qualifications of voters.

Notice of Election, how given.

(2012.) SEC. 4. The minister, priest, rector, curate, parson, or officiating clergyman of such congregation or Society, or if none of them be present, one of the elders or deacons, churchwardens or vestrymen thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation or Society, shall publicly notify said congregation of the time when, and the place where, any election shall be held, at least fifteen days before the day of such election, and such notification shall be given for two successive Sabbaths, on which such church, congregation or

Society shall statedly meet for public worship, next preceding the election.

(2013.) SEC. 5. Any two of the elders, deacons, churchwardens or vestrymen of such church, congregation or Society, or if such officers shall not be present, then any two voters present, to be nominated by a majority of the voters, shall be inspectors of such election, receive the votes and determine the qualification of voters; and they shall immediately after the election certify, under their hands and seals, the names of persons elected to serve as Trustees or vestrymen; in which certificate the name by which the said Trustees or vestrymen and their successors in office shall forever thereafter be known and called, shall be particularly mentioned and specified, and such Trustees may in said certificate be denominated vestrymen, or churchwardens and vestrymen, executive committee, or any other name stated in the certificate: *Provided, always*, That they shall have all the power specified in this act, and be elected in the manner provided for in this act.

Who to be Inspectors of Election, etc.

Certificate to be made, stating name of Trustees, Corporate name, etc.

(2014.) SEC. 6. Such certificate shall be acknowledged by the persons making the same, or proved by a subscribing witness thereto before some officer authorized to take acknowledgment of deeds, and recorded, together with the certificate of such acknowledgment or proof, by the clerk of the county within which the church or place of worship of such congregation shall be situated, in a book to be provided by him for that purpose, who shall be entitled to seventy-five cents for such recording; and thereafter such Trustees and their successors shall be a body corporate, by the name expressed in such certificate.

Certificate to be acknowledged.

County Clerk to Record Certificate.

Trustees to become body corporate.
1 Kernan, 243.

(2015.) SEC. 7. Such Trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, congregation or Society, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, congregation or Society, or to any other person or persons for their use.

Common Seal of Corporation.

Trustees to take possession of Property.
1 Kernan, 244.

(2016.) SEC. 8. Such Trustees may, also, in their corporate name, sue and be sued in all Courts and places; and they may recover and hold all the debts, demands, rights, and privileges, all churches, buildings, burying places, and all the estate and appurtenances belonging to such church, congre-

Rights and powers of Trustees.

gation or Society, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said Trustees; and they may hold moneys or personal estate, raised or acquired for the purpose of erecting churches, or houses of residence for their minister or priest, or for the purchase of burial ground, for a period not exceeding one year before investment thereof, and not exceeding the value or amount of twenty thousand dollars; and they

Limitation of time for holding certain Property.

may hold for a period not exceeding three years, any land which may be lawfully conveyed to them not exceeding five thousand dollars in value, to be sold for the purpose of raising a fund for erecting, repairing or improving a church or churches, or other building aforesaid, or for the purchase or improvement of any cemetery or burial ground. But all such lands shall revert to the donor or grantor, his or her heirs or assigns, if not disposed of within the time aforesaid.

When land shall revert to donor or grantor.

Trustees may build Meeting Houses, etc., but not for secular purpose.

(2017.) SEC. 9. The said Trustees, or Wardens and Vestrymen, shall also have authority, under the direction of the Society or congregation, to erect churches and meeting houses, dwelling houses for their ministers or priests, and other buildings for the direct and legitimate use of their church, congregation or Society, to alter and repair the same, but for no secular purposes.

To manage the temporal affairs of Church.

(2018.) SEC. 10. They shall also have authority to make rules and orders for managing the temporal affairs of such church, congregation or Society, and to dispose of all moneys belonging thereto, and to order and regulate the renting of pews or slips in their meeting houses and churches, and the perquisites for the breaking of the ground and burial of the dead in the cemetery or churchyard, and in the said churches or meeting houses.

To appoint certain Officers, regulate their fees, etc.

(2019.) SEC. 11. They may appoint a Clerk and a Treasurer of their board, and a Collector to collect their rents and revenues, and may regulate the fees to be allowed such Clerk, Treasurer and Collector, and may remove them and appoint others in their stead, at pleasure; and such clerk shall enter all rules and orders made by such Trustees, and payments ordered by them, in a book to be procured by them for that purpose.

Duty of Clerk.

Meeting of Trustees, how called, etc.

(2020.) SEC. 12. Any two of the Trustees may at any time call a meeting of the Trustees, and a majority of them, being lawfully convened, shall be competent to do and perform all

matters and things which such Trustees are authorized to do and perform ; and said Trustees may elect the minister, priest, curate, rector, parson, or officiating clergyman of said Society, for the time being, to preside at such meetings, who shall have no vote except in case of a tie of the board, when he shall have a casting vote.

(2021.) SEC. 13. The said Trustees shall hold their offices for three years ; and immediately after their first election, hereinbefore provided, the said Trustees shall be divided by lot into three classes, numbered one, two, and three ; and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, to the end that, as near as may be, one-third part of the whole number of the Trustees may be annually chosen : *Provided, however,* That any persons entering into articles of Association, as aforesaid, may provide in said articles for the election of the whole Board of Trustees once in each year, at such time as they may appoint, in the manner above prescribed, and said whole number may be elected in conformity to such provisions.

(2022.) SEC. 14. It shall be the duty of the Clerk of said Trustees, at least one month before the expiration of the office of any of said Trustees, to notify the same in writing, to the minister, priest, curate, rector, parson, or officiating clergyman, or in case of his death or absence, to the elders or churchwardens, or if there be no elders or churchwardens, then to the deacons or vestrymen of any such church, congregation, or Society, specifying in such notice the names of the Trustees whose office will expire ; and the minister, priest, curate, rector, parson, or other officer receiving such notice shall, in manner aforesaid, notify the members of such church, congregation or Society, of such vacancies, and appoint the time and place for the election to supply the same.

(2023.) SEC. 15. Such election shall be held at least six days before vacancies shall occur as aforesaid ; and all such subsequent elections shall be held and conducted by the like persons, and in the same manner, as hereinbefore provided for the first election ; and in case any vacancy shall occur by the death of a Trustee, his refusal to act, or removal from the Society before his term of office expires, or otherwise, notice thereof shall be given as aforesaid, and an election shall be held and another Trustee chosen in his stead for the remainder of his term.

President to have casting vote.

Term of office, classification, etc., of Trustees.

Articles may provide for Annual Election of whole Board of Trustees.

Clerk to notify Minister, etc., of expiration of office of Trustees.

Minister to notify members and appoint Election.

Election to be held six days before expiration of term.

Vacancies to be filled for remainder of term.

Certain persons
not entitled to
vote.

(2024.) SEC. 16. No person belonging to any such church, congregation or Society, incorporated under the provisions of this act, shall be entitled to vote at any election after the first, until he shall have been an attendant on public worship in such church, congregation or Society, at least six months next before such election, and shall have contributed to the support of such church, congregation or Society, according to the usages and customs thereof.

Clerk to register
names of stated
hearers, etc.

(2025.) SEC. 17. The Clerk of the Trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation or Society, and shall therein note the time when such request was made; and the said clerk shall attend all subsequent elections, in order to test the qualifications of such voters, in case they shall be questioned.

Trustees not to
have power to fix
salary of Minister,
etc.

(2026.) SEC. 18. Nothing in this act contained shall be construed to give such Trustees the power to fix or ascertain the salary, or compensation to be paid, any minister or priest, curate, rector or parson, but the same shall be ascertained and fixed by a majority of such Society, entitled to vote at the election of Trustees.

Court may grant
order of Sale of
Real Estate of
Corporation in
certain cases.

(2027.) SEC. 19. It shall be lawful for the Circuit Court for the county in which any such Religious Corporation shall have been constituted, on the application of such Corporation, if such Court shall deem it proper, to make an order for the sale of any real estate belonging to such Corporation, and to direct the application of the moneys arising therefrom, to such uses as the said Corporation, with the approbation of said Court, shall conceive to be for the interest of such Corporation: *Provided*, That no such sale shall be authorized by the Court, in any case where it would be inconsistent with the express terms or plain intent of the grant, donation, conveyance or devise, by which the same was conveyed or devised to or for the use of such church, congregation or Society, prior to the passage of this act.

Proviso

Notice of applica-
tion for order.

(2028.) SEC. 20. At least thirty days' previous notice of any such application to the Circuit Court shall be given, by publishing the same in some newspaper published in the county, if one be there published, if not, by posting up notices in three or more public places in such county.

Lands, etc., con-
veyed to Trus-
tees, to be held
in trust.

(2029.) SEC. 21. All lands, tenements and hereditaments, that have been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to any persons as

Trustees in trust, for the use of any church, congregation or Religious Society, organized, or which may be hereafter organized within this State, either for a meeting house, burial ground, or for the residence of a preacher or priest, shall vest and descend, with the improvements, in perpetual succession to, and shall be held by, the Trustees provided for in this act, in trust for such church, congregation or Society.

(2030.) SEC. 22. No bishop, vicar, rector, parson, curate, priest, deacon, or other officer of any church, Religious Body, Order, Society, or Association; no superior or other officer or member, male or female, of any Religious Order, ecclesiastical or lay, nor of any ecclesiastical, educational or charitable institution or establishment, shall, in consequence of such office or membership, or in the character or capacity of such officer or member, have, possess or exercise, any power, capacity, or franchise, of a corporation sole, so far as relates to the taking, holding, managing, selling or transmitting property; and every gift, grant, devise, bequest, conveyance or lease of any real estate, or any interest therein, or any use or benefit to arise therefrom, or of money, or of other property to be invested therein or to arise therefrom, hereafter made, or attempted to be made, by deed, will, or otherwise, to any such officer or member, by his or her name of office or membership, or in the character of such officer or member, shall be utterly void, to all intents and purposes; and no Corporation, for religious, ecclesiastical, educational or charitable purposes, shall be recognized as existing by the common law, the canon law, or by prescription, or in any other manner, except by express statute of this State: *Provided, That* this section shall in no way invalidate any right of property, or right of action heretofore vested: *And provided, further,* that this section is not intended as any implication or admission of any previous corporate capacity incident to such official character or membership, as herein above mentioned.

No Officer of any Church to hold Property in official capacity.

Certain Grants, etc., void.

Ecclesiastical Corporations not recognized as existing at Common Law, etc.

Provido.

(2031.) SEC. 23. Neither the canon law, nor the decrees, nor any decree or order of any ecclesiastical council or body, nor any custom or usage founded thereon, nor any custom or usage of any church, congregation or Religious Society, or Religious Order, shall hereafter be recognized or enforced in this State, so far as such law, usage or custom, shall relate to the acquisition, the tenure, or the control or disposition of any real estate, or any interest therein, or any use or trust connected, or to be connected therewith: *Provided, nevertheless, That this*

No Ecclesiastical Law or custom to be recognized in the tenure of Real Estate, etc.

Provido.

section shall not in any manner impair or invalidate any grant, devise, or other conveyance heretofore made, nor shall this section be construed as a recognition of the prior legality or obligation of such law, usage or custom, in this State.

Certain Bequests
to be void.

(2032.) SEC. 24. Every devise, gift or bequest of real estate, or any interest therein, or money or other property to be invested therein, or to arise from the proceeds thereof, or of any benefit, use or trust to be connected therewith, hereafter made or attempted to be made by last will or testament, shall be void, so far as such devise, gift or bequest, shall be or purport to be made, directly or indirectly, to, or for the use of any church, congregation, Religious Order or Religious Society, or to or for the use of any ecclesiastical, educational, or eleemosynary institution connected or to be connected with, or under the control or direction of, any such church, congregation, Order or Society, or under the control or direction, or subject to the visitorial power of any officer or officers, or other authority of such church, congregation, Order or Society, in his, her or their official or ecclesiastical capacity, unless such will shall have been duly executed, and shall have remained, for at least two months prior to the death of the testator, without alteration or codicil, on file with the Judge of Probate of the county in which the testator may reside;

Certain Deeds,
etc., to be void.

and no donation, or gift, or other transfer, by deed, lease, or other form of conveyance, not testamentary, without valuable or pecuniary consideration to a reasonable amount, of any lands or real estate, or any interest therein, or moneys to arise therefrom, or to be invested therein, hereafter made or attempted to be made to or for the use of either or any of the parties, for any or either of the purposes in this section above mentioned, shall be valid for any purpose whatever, unless such deed or other conveyance shall have been duly executed and acknowledged, and recorded in the office of the Register of Deeds for the proper county, for at least two months prior to the death of the grantor or donor.

Certain Legacies,
etc., to be void.

(2033.) SEC. 25. Every gift, bequest, legacy or donation of any money or personal property, to the amount of one hundred dollars or more, hereafter made or attempted to be made, by last will or testament, to or for the use of any or either of the parties, or for any or either of the purposes mentioned in the last preceding section, shall be utterly void, if such last will or testament shall be made during the last sickness of the testator or testatrix; and no gift, bequest, legacy or donation of money

or personal property, to the amount of one hundred dollars or more, shall in any case be valid, if made by the last will and testament, unless such last will and testament shall be proven in open Court by the testimony of three subscribing witnesses, nor unless it shall clearly appear by the testimony of said witnesses that the whole will was read to, or by the person executing the same, in their presence, and fully understood by the testator before the execution thereof, and that the same was executed at the time when it bears date.

(2034.) SEC. 26. No grant, conveyance, devise or lease, of any real estate, dedicated or appropriated to the purposes of religious worship, or for any religious or ecclesiastical purposes, or appearing to be intended to be managed or controlled by any congregation or Society, or any officer or officers thereof, in his or their official capacity, shall hereafter vest any right, title or interest in any person or persons to whom such grant, conveyance, devise or lease may be made, unless the same shall be made to a corporation organized under some statute of this State, or of the late Territory of Michigan, or under the provisions of this act, or some act hereafter passed, amending or altering the same.

(2035.) SEC. 27. Every church, congregation or Religious Society, heretofore incorporated in pursuance of any statute of this State, or of the late Territory of Michigan, and not since dissolved, shall be, and is hereby established and confirmed, subject, nevertheless to the provisions of this act, so far as they may be constitutionally subjected thereto, without impairing rights heretofore legally vested. And all vacancies which may hereafter occur in the office of Trustee of any church or Religious Society, heretofore incorporated under any statute of this State, or of the late Territory of Michigan, shall be filled by an election, as provided for the filling of vacancies in such office under this act; and in case of the dissolution of any such corporation, or of any corporation hereafter to be formed, in pursuance of the provisions of this act, for any cause whatever, the same may be incorporated under the provisions of this act, at any time within six years after such dissolution, and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such Corporation, as if there had been no dissolution.

(2036.) SEC. 28. The provisions of this chapter shall apply to all churches, religious congregations, Religious Societies,

Certain Conveyances to be void unless made to Corporation, etc.

Existing Societies confirmed, subject to this Act.

Certain vacancies may be filled and Societies reorganized under this Act.

Act to apply to all Religious Societies.

Religious and Ecclesiastical Orders, and every Association of persons for religious purposes.

An Act to Provide for the Organisation of Protestant Episcopal Churches.

[Approved February 17, 1857. Laws of 1857, p. 410.]

How Protestant
Episcopal
Churches may be
organized.

(2037.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any six or more persons, professing attachment to the Protestant Episcopal Church, to execute and acknowledge, before any person authorized to take acknowledgments of deeds, one or more duplicate articles of agreement in writing, whereby they shall agree to organize a church according to the usages of the Protestant Episcopal Church, by the name and style set forth in such articles; and upon the execution and acknowledgment thereof, as herein provided, such church shall become a body politic and corporate, by the name set forth in said articles, in accordance with the canons, doctrines, discipline and worship of the Protestant Episcopal Church.

What the Articles
of Association to
contain.

(2038.) SEC. 2. Said articles shall contain :

1. The name of the proposed church ;
2. The township or city, and county, in which it is located ;
3. The number of vestrymen, not exceeding ten, who shall have charge of the affairs of such church, and the time of the annual meeting, which shall be in Easter week ; and no church shall be organized in any township or city bearing the same name with any other Protestant Episcopal Church theretofore organized therein.

Articles to be re-
corded.

(2039.) SEC. 3. Such articles of agreement, when duly signed and acknowledged, shall be recorded in the office of the County Clerk of the county in which such church is located ; and it shall not be lawful for such church to acquire the title to any property until such articles are recorded.

Who may call
first Meeting.

(2040.) SEC. 4. Any three or more persons who have signed any such articles may call the first meeting of such church at such time and place as they may see fit, by publishing notice for ten days previous to the time of such meeting, in some newspaper published in the city or township in which such church is located, and if no newspaper is published therein, then such notice may be given by posting the same in three of the most public places in such city or township ; and at

Notice of Meet-
ing.

such meeting the affidavit of such posting or publishing shall be produced, and recorded in the minutes. *And it is further provided,* That at such meeting, in addition to the signers of such articles, any male person of full age shall be entitled to vote who shall sign a declaration in writing, to be kept in the book of minutes, whereby he shall signify his intention of attaching himself to said church, and accepting the terms of such articles. Vestrymen of the church shall be elected at said meeting, or any adjournment thereof.

Who to be voter thereat.

Election of Vestrymen.

(2041.) SEC. 5. At all subsequent meetings, the right of voting shall be confined to the persons who became actually entitled to vote at the first meeting, and to such others, male persons of full age, as have, during the year previous, been stated worshippers in such church, and owned or rented a seat therein, or been stated contributors to its support. The annual meeting shall take place at such time in Easter week as shall be fixed in said articles; and at such annual meeting an election of vestrymen shall be had, to serve until the next annual meeting, and until their successors shall be chosen.

Who may vote at subsequent Meetings.

When Annual Meeting to take place.

(2042.) SEC. 6. The vestrymen shall choose two of their number to be wardens. They may also appoint a Secretary and Treasurer from their own number, and may employ such other agents and servants as they may see fit. Meetings of the vestry may be called by the rector of the church, or by either warden, or by any two other vestrymen, and a majority in number of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote, except a casting vote, in case of a tie; and in his absence from a meeting, one of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the vestrymen at any meeting, and the persons elected to fill such vacancies shall hold for the same period as their predecessors would have done.

Vestrymen may appoint Wardens, Secretary and Treasurer.

Vestry Meeting; by whom called.

Rector to preside.

Vacancies in Vestry; how filled.

(2043.) SEC. 7. All the temporal affairs of such churches shall be managed by the vestrymen thereof, and they shall have authority to erect, alter, repair, enlarge, and, in case they deem it necessary, take down or remove and rebuild any church or other building belonging to such Corporation; and no owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected. It shall be lawful for such Corporations to hold such amount of real estate as shall be reasonably necessary for a

Vestry to manage temporal affairs.

church, and lecture or school room, and dwellings for the ministers thereof; but it shall not be lawful for such Corporations to hold or use any real estate for any other purpose.

This act shall take effect immediately.

An Act to Provide for the Appointment of Trustees in certain cases.

[Approved February 17, 1857. Laws of 1857, p. 442.]

When Trustees
may be appointed
by Officers of
Churches.

Certificate of ap-
pointment.

Such Trustees to
be body Corpo-
rate.

Repeal of conflict-
ing enactments.

(2044.) SECTION 1. *The People of the State of Michigan enact,*

That whenever, by the constitution, rules or usages of any particular church or religious denomination, Trustees are required to be appointed by any officer or officers of such church or denomination, it shall be the duty of such officer or officers to give to such Trustees a certificate of their appointment, under the hand and seal of the person or persons making the same, specifying the name by which such Trustees and their successors shall forever thereafter be called and known; which certificate shall be acknowledged, or proved, and recorded as prescribed in section six of an act entitled, "An Act concerning Churches and Religious Societies," approved February thirteenth, eighteen hundred and fifty-five; whereupon such Trustees and their successors, appointed in accordance with the constitution, rules and usages of such church, shall be a body corporate by the name expressed in such certificate, with all the rights, powers and privileges of other Religious Corporations constituted according to law.

(2045.) SEC. 2. All acts, or parts of acts, conflicting with the provisions of this act, are hereby repealed; and the Legislature shall have power to amend or repeal this act at any time hereafter at its discretion.

SEC. 3. This act shall take immediate effect.

CHAPTER LXIX.

OF TEACHERS' ASSOCIATIONS.

SECTION

2046. Fifteen or more Teachers may form Corporation; Notice to be published.

SECTION

2047. May hold Real and Personal Property; Restriction upon its use.
2048. Privileges and liabilities of Corporation.

An Act to Incorporate Teachers' Associations.

[Approved February 12, 1855. Laws of 1855, p. 268.]

(2046.) SECTION 1. *The People of the State of Michigan enact,* Fifteen or more Teachers may form Corporation.
Any fifteen or more Teachers, or other persons residing in this State, who shall associate for the purpose of promoting Education and Science, and improvements in the theory and practice of Teaching, may form themselves into a Corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such Association is to be located, for at least one month previous, a notice of the time, place and purpose of the meeting for such Association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said Association. Notice to be published.

(2047.) SEC. 2. Such Association may hold and possess real and personal property to the amount of five thousand dollars, but the funds or property thereof shall not be used for any other purpose than the legitimate business of the Association in securing the objects of its Corporation. May hold Real and Personal Property. Restrictions upon its use.

(2048.) SEC. 3. Upon becoming a Corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a Corporation, according to the provisions of chapter fifty-five of the Revised Statutes of this State, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act. Privileges and liabilities of Corporation. Chapter 72.

This act shall take effect immediately.

CHAPTER LXX.

OF TELEGRAPH COMPANIES.

SECTION

2049. Formation of Telegraph Companies authorized.
2050. Certificate of organization, what to contain.
2051. Copies of Certificate, where filed.
2052. General powers of Association.
2053. Where authorised to construct Lines of Telegraph.
2054. Commissioners to assess damages; Oath of; Compensation.
2055. Penalty for intentional injury to Line.
2056. Liability of Stockholders.
2057. Annual Report, where to be filed; Liability for neglect to make Report.
2058. Annual Tax; How estimated, and when paid.

SECTION

2059. Transfer of Stock.
2060. Service of legal process, how made upon Company.
2061. Books to be kept by Company; Penalty for neglect of duty by Officers or Agents.
- 2062, 2063. Duty of Owner or Association in the transmission of dispatches.
2064. Penalty for divulging the nature of the contents of private communications.
2065. Lien of the State for Taxes; Duty of State Treasurer in case of non-payment of Tax; Proviso.
2066. Legislature may alter, amend or repeal this Act; Proviso.

An Act to Authorise the Formation of Telegraph Companies.

[Approved March 26, 1861. *Laws of 1861, p. 61.*]

Formation of
Telegraph Com-
panies authoriz-
ed.

(2049.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons may associate for the purpose of constructing a line of wires of Telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities prescribed in this act.

Certificate of
organization,
what to contain.

(2050.) SEC. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

1. The name assumed to distinguish such Association, and used in its dealings, and by which it may sue and be sued;
2. The general route of the line of Telegraph, designating he points to be connected;

3. The capital stock of such Association, and the number of shares into which the stock shall be divided ;

4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively ;

5. The term of its existence, not to exceed thirty years ; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where any office of such Association shall be established, and a copy thereof filed in the office of the Secretary of State ; such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

(2051.) SEC. 3. Upon complying with the provisions of the last preceding section, such Association shall be, and hereby is declared to be a body corporate, by the name designated in said certificate ; and a copy of said certificate, duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all Courts and places, for and against any such Association. Copies of Certificate; where filed.

(2052.) SEC. 4. Such Association shall have power to purchase, receive and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of such Association, and may appoint such Directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States. But this section shall not be so construed as to authorize any such Association to hold any real estate except such as shall be actually occupied by such Association in the exercise of its franchises. General powers of Association.

(2053.) SEC. 5. Such Association is authorized to construct lines of Telegraph along and upon any of the public roads and highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters ; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this State. Where authorized to construct lines of Telegraph.

(2054.) SEC. 6. If any person over whose lands said lines

- Commissioners to assess damages.** shall pass, upon which said posts, piers or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the Circuit Court of the district within which said lands are, on the application of such person, and on notice to said Association (to be served on the President or any Director), to appoint three discreet and disinterested persons as Commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said Commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant, by reason of said lines, posts, piers, or abutments; duplicates of which said appraisal shall be reduced to writing, and signed by said Commissioners, or a majority of them; one copy shall be delivered to the applicant, and the other to the President, or any Director or officer of said Association or Corporation, on demand; and in case any damage be adjudged to said applicant, the Association or Corporation shall pay the amount thereof, with cost of said appraisal; said costs to be liquidated and ascertained in said award; and said Commissioners shall receive for their services two dollars for each day they are actually employed in making said appraisalment.
- Oath of.**
- Compensation.**
- Penalty for intentional injury to line.** (2055.) SEC. 7. Any person who shall unlawfully or intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the Court before which the conviction shall be had.
- Liability of Stockholders.** (2056.) SEC. 8. The stockholders of every Association organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such Association, which shall be contracted, or which shall be, or shall become due during the time of their holding such stock; and no stockholder shall be proceeded against for the collection of any debt or demand against such Association, until judgment thereon shall have been obtained against the Association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such Association shall be dissolved.
- (2057.) SEC. 9. Every such Corporation shall, annually, within

ten days from the first of January, make a report, which shall Annual Report; where to be filed. state the amount of capital, and the amount actually paid in, the investment of any portion of the earnings of such Company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; the commencement, general route, termination, and length of the lines of the wires of such Company, and the names of the places through which they pass; which report shall be signed by the President and a majority of the Directors, and shall be verified by the oath of the President or Secretary of such Corporation, and filed in the office of the clerk of the county in which the business of any such Company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such Company shall fail so to do, all the Directors thereof Liability for neglect to make Report. shall be jointly and severally liable for all the debts of the Company then existing, and that shall be contracted before such report shall be made.

(2058.) SEC. 10. All Corporations formed under this act shall Annual Tax. pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in; and any investment of the earnings of any such Company in their business, shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such Company, and then remaining unpaid in whole or in part; which tax shall be paid on the first Monday of February in How estimated, and when paid. each year, and shall be estimated upon the report of such Company for that year, made as required by section nine of this act; and such tax shall be in lieu of all State taxes upon the real and personal estate of such Company.

(2059.) SEC. 11. The stock of any such Corporation shall be Transfer of Stock. deemed personal estate, and shall be transferable in such a manner as shall be prescribed by the by-laws of the Company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such Company, according to the provisions of this act, until the same shall have been entered upon the books of the Corporation, so as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferable until all previous calls or assessments thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such Corporation to use any of their funds in

the purchase of, or in any manner to purchase stock in any other Corporation.

Service of legal process, how made upon Company.

(2060.) SEC. 12. Service of any legal process against any such Corporation may be made on the President or Secretary, or if neither of them can be found in the county, then upon one of the Directors of such Company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process at the business office of such Company, in some conspicuous place.

Books to be kept by Company.

(2061.) SEC. 13. It shall be the duty of the Directors of every such Corporation or Company to cause books to be kept by the Treasurer or Secretary, or other officers thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been, stockholders of such Company, and showing their place of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the principal office of every such Company in every county in which such Company transact business, for the inspection of stockholders and creditors of such Company, and their personal representatives; and any and every such person shall have a right to make extracts from any such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such Company, or against any one or more stockholders. Every officer or agent of any such Company who shall fail or neglect to make any proper entry in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor; and the Company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Penalty for neglect, of duty by officers or agents.

Duty of Owner or Association in the transmission of dispatches.

(2062.) SEC. 14. It shall be the duty of the owner or Association owning any telegraph line, doing business within this State, to receive dispatches from and for other telegraph lines and Associations, and from and for any individual; and on payment of their usual charges for individuals for transmitting dispatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every

neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

(2063.) SEC. 15. It shall likewise be the duty of every such owner or Association to transmit all dispatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order, as herein prescribed: *Provided, however,* That arrangements may be made with the proprietors or publishers of newspapers, for the transmission for the purpose of publication of intelligence of general and public interest, out of its regular order.

Duty of Owner or Association in the transmission of dispatches.

(2064.) SEC. 16. Any person connected with any Telegraph Company in this State, or connected with any such Company transacting business in this State, either as clerk, operator, messenger, or in any other capacity, who shall willfully or negligently divulge the contents or the nature of the contents of any private communication entrusted for transmission or delivery to the agent, clerk, operator, messenger, or other person in the employ of such Company, or who shall willfully refuse or neglect to transmit or deliver the same, shall, on conviction before any Court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail where such conviction shall be had, for a term not exceeding six months, or shall pay a fine not exceeding five hundred dollars, in the discretion of the Court; and such Company shall be liable to the party aggrieved for all damages sustained thereby.

Penalty for divulging the nature of the contents of private Communications.

(2065.) SEC. 17. The State shall have a lien upon any line constructed under this act, and its appurtenances, and for all taxes which may accrue thereon to the State, by virtue of the provisions of this act, which shall have precedence of all other liens; and in case the tax or any part thereof shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the City of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax and interest, and charges of sale: *Provided,* The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line.

Lien of the State for Taxes.

Duty of State Treasurer in case of non-payment of Tax.

Proviso.

Legislature may
alter, amend, or
repeal this Act.

Proviso.

(2066.) SEC. 18. The Legislature may at any time alter, amend or repeal this act; and any such alteration or amendment shall act as an alteration or amendment of the corporate rights of all Companies formed, created, organized, or at any time doing business under its provisions; or they may annul or repeal any Corporation formed under this act; but such alteration, amendment, annulling or repeal shall not, nor shall the dissolution of any such Company, take away or impair any remedy given for or against any such Corporation, its stockholders or officers, for any right acquired or liability which shall have been previously incurred.

SEC. 19. This act shall take effect immediately.

CHAPTER LXI.

OF TRAIN RAILWAYS.

SECTION

- 2067. Three or more persons may organize; Notice to be published; When to elect Directors, etc.; Articles of Association, what to contain.
- 2068. Name, Residence, and Number of Shares to be subscribed; Persons associated to be body corporate; Powers, Privileges and Liabilities.
- 2069. When Articles to be filed with Secretary of State.
- 2070. Certified Copy of Articles and Affidavit to be evidence.
- 2071. Board of Directors to manage affairs; their number, etc.; Notice of Election, etc.; Vacancy, how filled; Term and qualification of Directors.
- 2072. Election in certain cases, when held.
- 2073. Majority of Directors a Quorum for transaction of business.
- 2074. President and Treasurer to be elected by Directors.
- 2075. Powers of Board of Officers.
- 2076. May enter upon Lands for the purpose of Survey, etc.; Width of Road; Damages for right of way, etc., how ascertained.

SECTION

- 2077. Power to hold Lands, etc., restricted.
- 2078. May Purchase or Lease necessary Lands.
- 2079. Toll may be collected, etc.; Number of Gates; Tickets.
- 2080. Any Person may use Road on paying Toll.
- 2081. Directors may require payment of Stock subscribed, etc.; Forfeiture for non-payment; Notice required to be published.
- 2082. Shares transferable; Capital, how increased.
- 2083. Place of Office to be designated by Directors; Change of place of Office.
- 2084. Individual liability of Stockholders.
- 2085. Liability for declaring Dividend, etc., when Company Insolvent.
- 2086. Stockholders not liable until Execution against Company is returned unsatisfied; Contribution may be enforced.
- 2087. Directors to make Report on oath; Contents of Report; When to be made.
- 2088. Taxes to be paid, and when.
- 2089. Punishment of Toll Gatherer for Illegal Demand, etc.
- 2090. Company holder for Judgment against Toll Gatherer.

SECTION

2091. List of Tolls to be Posted up, etc.
 2092. Cars, etc., may be retained till Toll paid.
 2093. Punishment for Obstructing Road.
 2094. Penalty for forcibly passing Gate, etc.

SECTION

2095. When Corporation shall cease.
 2096. To be subject to visitation, etc.
 2097. Legislature may alter, amend, or repeal this Act; Proviso.

An Act to Provide for the Construction of Train Railways.

[Approved Feb. 13, 1855. Laws of 1855, p. 838.]

(2067.) SECTION 1. *The People of the State of Michigan enact,* Three or more persons may organize.
 That any number of persons, not less than three, may be formed into a Corporation for the purpose of constructing and owning a train railway or road, to be operated by horse or other animal power, by complying with the following requirements: Notice shall be given in at least one newspaper Notice to be published. printed in any county through which or in which such railway is intended to be constructed, of the time and place or places where books for subscribing for the stock thereof will be opened, and if there be no newspaper printed in the county, then such notice shall be printed in the City of Detroit; and when stock to the amount of one thousand dollars per mile of the said railway so intended to be built shall be in good faith subscribed, and ten per cent. paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect Directors for said Corporation; and thereupon they shall severally subscribe articles of Association, in which Articles of Association, what to contain. shall be set forth the name of the company; the number of years the same shall be continued, which shall not exceed thirty years from the date of said articles; the amount of the capital stock of said company; the number of shares of which said stock shall consist; the number of Directors and their names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from, and to which the proposed railway is to be constructed, and each mine, city and village, to or through which it is intended to pass, and its length, as near as may be.

(2068.) SEC. 2. Each subscriber to such articles of Association shall subscribe thereto his name, by himself or by his attorney, his place of residence, and the number of shares of stock taken by him in said company; the said articles of Association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all Name, residence, and number of Shares to be subscribed. persons who shall from time to time become stockholders in Persons associated to be body corporate.

Powers, Privileges and liabilities.

Chapter 73.

When Articles to be filed with Secretary of State.

Certified copy of Articles and affidavit to be evidence.

Board of Directors to manage affairs, their number, etc.

Notice of Election, etc.

such company, shall be a body corporate by the name specified in such articles, and as such shall be capable of suing and being sued, in all Courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant, or otherwise, and holding any land, tenements or hereditaments, necessary to be used in the construction, repair and preservation of said railway, and the erection of toll gates and houses thereon, and may by by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of title ten of the Revised Statutes of this State, entitled "General Provisions relating to Corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

(2069.) SEC. 3. Such articles of Association shall not be filed in the office of the Secretary of State until ten per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the Directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit by at least two of the Directors, that the amount of the capital stock required by the first section of this act has been subscribed, and that ten per cent. on the amount has been actually paid in; and no stockholder shall be entitled to vote for Directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

(2070.) SEC. 4. A copy of any articles of Association, filed in pursuance of this act, with a copy of the affidavit aforesaid endorsed thereon, or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of Association, and of the affidavit endorsed thereon or affixed thereto, shall be, in all Courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.

(2071.) SEC. 5. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven Directors, who, after the first year, shall be elected annually, or once in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty

days previous thereto, in such manner as the by-laws of such company may direct; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be Directors. Whenever any vacancy shall happen in the Board of Directors, such vacancy shall be filled for the remainder of their term by the remaining Directors. The Directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places, and no person shall be a Director unless he is a stockholder in said company.

Vacancy; how filled.

Terms and qualification of Directors.

(2072.) SEC. 6. In case it shall happen that an election for Directors shall not be held as provided, the said Corporation shall not be, for that reason, dissolved, but such election shall be held on some future day, to be fixed by the Directors holding over, upon giving the notice therefor, as in this act provided, and all acts of the Directors shall be binding upon such Corporation.

Election in certain cases, when held.

(2073.) SEC. 7. A majority of the Directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the Corporation.

Majority of Directors quorum.

(2074.) SEC. 8. The Directors at their first meeting after their election, shall choose by ballot one of their number as President, and one as Treasurer, and they shall supply any vacancy in the office of President or Treasurer, whenever the same shall occur.

President and Treasurer to be elected.

(2075.) SEC. 9. The President and Directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the transfer of stocks, and the management and control of the property and affairs of such Corporation, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of such incorporation, and determine their duties and salaries, and wages to be paid to them.

Powers of Board of officers.

(2076.) SEC. 10. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of such railway, doing thereto no unnecessary damage, and paying any damage that may accrue; nor shall such company locate such road through any orchard or garden, without the consent of

May enter upon Lands for the purpose of Survey, etc.

	the owner thereof, nor through any buildings or erections for the purposes of trade or manufacture, without permission from the owner or owners; and when the said route shall be determined by said company, it shall be lawful for their officers, agents, engineers, contractors and servants, to enter upon, take possession of, and use such lands to the
Width of Road.	width of one hundred feet, as said company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take and use, any other lands which may be necessary for the purpose of constructing and maintaining thereon such railway, toll houses, gates, fixtures and appurtenances, the necessity for taking such lands
Damages for right of way, etc., how ascertained.	for such purposes, and the damages to be paid therefor being first ascertained, and such damages paid as provided in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven, of an act entitled, "An Act to Provide for the formation of Companies to construct Plank Roads," approved April 8th, 1851.
Power to hold Lands, etc., restricted.	(2077.) SEC. 11. The said Corporation shall not, in their corporate capacity, hold, purchase or deal in any lands on which such railway shall run, except what may be necessary for the construction or maintenance thereof, and of the gates, toll houses and other fixtures connected therewith.
May Purchase or Lease necessary Lands.	(2078.) SEC. 12. Such company so formed may procure by purchase or gift, from the owners thereof, any lands necessary for the construction of such railway, or for the erection of gates, toll houses and other fixtures, or may obtain from the owner or occupant the right to use the same for the purposes aforesaid, on such terms as may be agreed upon.
Toll may be collected, etc.	(2079.) SEC. 13. Whenever such company shall have completed any part of such railway for use, it shall be lawful for said company to erect toll gates thereon, and demand and receive from persons using such railway not exceeding the following rates of toll, namely: for every coal car, ore car, or other vehicle drawn over said railway, four cents per mile, or at the same rate for any distance less than a mile, when such car or vehicle shall not be loaded; and when such car or vehicle shall be loaded, then in addition to the toll aforesaid, not exceeding four cents per mile for each ton of coal, copper, iron ore, lumber, or other mineral or commodity transported or carried
Number of Gates.	over such railway. Such toll gates to be erected by such Company, may be as many in number, and located at such

points as such Company may deem necessary. Any person ^{Ticket.} using such railway may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket, or other evidence that he has paid the toll for the use of the whole or part of such railway, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll ~~gatherer~~ ^{gate} through whose gate he is last entitled to pass.

(2080.) SEC. 14. Any railway constructed under this act shall be open to all persons for use, upon the payment of tolls as ^{Any person may use Road on paying Toll.} aforesaid, for the passage and repassage of cars and vehicles, constructed to carry minerals, lumber, or other freight upon such railway, at such times, and under such rules and regulations in regard to the passage of cars or vehicles each way upon such railway, as the authorized agent or agents, or the engineer thereof, may prescribe.

(2081.) SEC. 15. The Directors of any Company incorporated under this act, may require payment of the sums subscribed to the capital stock at such times, and in such proportion, and on such conditions as they shall see fit, under the penalty of the ^{Directors may require payment of Stock subscribed, etc.} forfeiture of the stock, and all previous payments thereon, if ^{Forfeiture for non-payment.} payment shall not be made by the stockholders within sixty days after personal notice, or notice requiring such payment shall have been published, for six successive weeks, in a news- ^{Notice required to be published.} paper in the county or counties wherein such railway is situated; or if there be no newspaper published in such county or counties, then in a newspaper published in the City of Detroit; and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in the newspaper or newspapers before mentioned, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

(2082.) SEC. 16. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company. ^{Shares transferable.} The Directors of any such company may, at any time, receive ^{Capital, how increased.} subscriptions to stock in said company, until the whole amount of the stock mentioned in their articles of Association shall be subscribed, and with the consent, in amount, of the majority of the stockholders in such company, provide for such increase of the capital stock in such company as may be necessary to finish the making of such railway, commenced and partly constructed.

Place of Office to
be designated by
Directors.

Notice thereof.

Change of place
of Office.

Individual liability
of Stockhold-
ers.

Constitution, Art.
16, Sec. 7.

Liability for de-
claring Dividend,
when Company
Insolvent.

Stockholders not
liable until ex-
ecution against
Company is re-
turned unsatis-
fied.

(2083.) SEC. 17. Within sixty days after the formation of any company under this act, the Directors thereof shall designate some place within a county where such railway is intended to be constructed as the office of such Company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one, and if there be none, then in a newspaper published in the City of Detroit, which publication shall be continued once in each week, for three successive weeks, and shall file a copy of such notice in the office of the Register of Deeds, in each county where such road may be constructed, or intended to be; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place, in which notice the time of making the change shall be specified; and every summons, notice, declaration, or other paper or process required by law to be served, may be served by leaving the same at such office, with any person having charge thereof, at any time except Sunday.

(2084.) SEC. 18. The stockholders of every company incorporated under this act, shall be jointly and severally liable, in their individual capacity, for all labor performed for such company; and shall also be liable for the debts of such company, for an amount equal to the amount of any unpaid stock in such company, held by them at the time such debt was contracted, and suit commenced thereon, to be recovered of any stockholder who is such when the debt is contracted, or any subsequent stockholder.

(2085.) SEC. 19. If the Directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted, while they shall respectively continue stockholders, or in office.

(2086.) SEC. 20. But no suit shall be brought against any individual stockholder or stockholders, for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such

company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs, and expenses; and any such stockholder, who may have paid as aforesaid, shall have a right to bring an action against, and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof, which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

Contribution may be enforced.

(2087.) SEC. 21. On or before the first Monday in January in each year, it shall be the duty of the Directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of such Directors, the length of railway completed, the cost of constructing the same, the amount of all moneys expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on said road, the amount received during the previous year for tolls and from all other sources, stating each separately, the amount of dividends made, the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued: *Provided*, That the year contemplated in this section, so far as relates to the Upper Peninsula, shall terminate on the last day of September next preceding.

Directors to make Report on oath, and when:

Contents of Report.

When year to terminate in Upper Peninsula.

(2088.) SEC. 22. Each and every Railway Company, formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one half of one per cent. on the whole amount of capital paid in upon the capital stock of said company; which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

Taxes to be paid, and when.

(2089.) SEC. 23. Every toll gatherer, at any such gate, who shall unreasonably hinder or delay any person entitled to pass, by the provisions of this act, or shall demand or receive from any person more toll than, by law, he shall be authorized to collect, shall, for each offence, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Punishment of Toll Gatherer for illegal demand, etc.

Company holden
for judgment
against Toll
Gatherer.

(2090.) SEC. 24. Whenever a judgment is obtained against a toll gatherer for a penalty, or for damages for acts done or omitted to be done by him in his capacity as toll gatherer, and goods and chattels of such defendant, to satisfy such judgment, cannot be found, it shall be paid by the Corporation whose officer he shall be; and if, on demand, payment shall be refused by the Corporation, the amount of such judgment, with costs, may be recovered of such Corporation.

List of Tolls to be
Posted up, etc.

(2091.) SEC. 25. It shall be the duty of the Directors of every such company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate.

Cars, etc., may
be retained till
Toll paid.

(2092.) SEC. 26. Each toll gatherer may detain and prevent from passing through his gate, all persons with cars or vehicles, authorized to pass upon paying tolls, until they shall have paid, respectively, the tolls authorized by law.

Punishment for
obstructing Road.

(2093.) SEC. 27. If any person shall willfully obstruct, break, injure or destroy any railway constructed or operated under the provisions of this act, or any part thereof, or any work, cars, buildings, fixtures or toll gates attached to, or in use upon the same, belonging to said company, such person or persons so offending shall, for every offence, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail or State prison not more than one year, in the discretion of the Court.

Penalty for
forcibly passing
Gate, etc.

(2094.) SEC. 28. Any person who shall forcibly or fraudulently pass any toll gate, erected on such railway in pursuance of this act, without having paid the legal toll, shall, for each offence, be liable to a fine not exceeding twenty-five dollars, to be sued for and recovered by said company.

When Corpora-
tion shall cease.

(2095.) SEC. 29. Every company incorporated under this act, shall cease to be a body corporate: *First.* If within one year from the time of filing their certificates of Association, they shall not have commenced the construction of their railway, and expended at least ten per cent. of their capital stock. *Second.* If, within five years from such filing of the articles of Association, such road shall not be completed, according to the provisions of this act.

Subject to visit-
ation, etc.

(2096.) SEC. 30. All companies formed under this act shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either House thereof, or by any agent or officer in pursuance of law; and the

Courts of this State shall have the same jurisdiction over such Corporation and their officers, as over those created by special acts.

(2097.) SEC. 31. The Legislature may at any time alter, amend or repeal this act, but such alteration, amendment, or repeal, shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless specially named in the act so altering or amending this act, nor shall the dissolution of any such company take away or impair any remedy given for or against such Corporation, its stockholders or officers, for any liability which shall have been previously incurred.

SEC. 32. This act shall take effect immediately.

CHAPTER LXXII.

OF THE INCORPORATION OF VILLAGES.

SECTION

- 2098. Villages with resident population of not less than Three Hundred, may be Incorporated.
- 2099. Application for such Incorporation to Board of Supervisors.
- 2100. Census to be taken by Applicants.
- 2101. Notice of Application.
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- 2103. How Application made, and when presented.
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- 2105. When Board to declare Territory Incorporated, and appoint Election.
- 2106. Notice of First Election, how given.
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- 2108. Who qualified Electors.
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SECTION

- 2116. Special Elections to fill Vacancies.
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- 2122. Treasurer and Marshal to give security.
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- 2124. Powers of President and Trustees in relation to Streets, etc.; Proceedings when Private Property is required for Public Use.

SECTION	SECTION
2126. Jurisdiction of Justices of Peace as to offences against By-Laws, etc.	2132. Duplicate Tax Roll; Warrant.
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2129. How Corporation served with process.	2136. Fire Companies may be established.
2130. Taxes to be a lien on Real Estate; Sale of Lands for Taxes; Notice of Sale; Certificate; Redemption; Conveyance; Effect of Conveyance as Evidence.	2137. Powers and duties of Fire Companies.
2131. Notice of completion of Assessment Roll; Meeting of Assessors to review Roll; Appeal from Assessment to President and Trustees.	2138. Duties of Marshal at Fires.
	2139. Term of office of Clerk; Clerk to be Police Justice; Jurisdiction and powers.
	2140. Marshal to be Police Constable.
	2141. Docket of Police Justice to be Public Record.
	2142. Incorporated Villages may organize under this Act.

An Act to Provide for the Incorporation of Villages.

[Approved February 17, 1857. Laws of 1857, p. 420.]

Villages with resident population of not less than three hundred, may be incorporated. (2098.) SECTION 1. *The People of the State of Michigan enact,* That any part of a town or towns not included in any incorporated village, and containing a resident population of not less than three hundred persons, and it shall include within its boundaries a territory of not more than one square mile in extent, containing a resident population of at the rate of not less than three hundred persons to every square mile of territory included within such boundaries, may be incorporated as a village, under the provisions of this act.

Application for such Incorporation to Board of Supervisors. (2099.) SEC. 2. Any number of legal voters, not less than fifteen, residing within such territory, may make application for the incorporation of such village to the Board of Supervisors of the county in which such territory, or the larger part thereof, may be situated, at any regular session of such board.

Census to be taken by applicants. (2100.) SEC. 3. Such persons shall, before making such application, cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto.

Notice of application. (2101.) SEC. 4. The persons intending to make such application shall give notice that they will apply to the Board of

Supervisors of the county in which such territory shall lie, or if it shall lie in more than one county, to the Board of Supervisors of one of such counties, to be named in such notice, on some day therein specified, for an order incorporating such territory as a village; such notice shall describe the boundaries, or give some other proper description of such territory, and by specifying the town or towns in which it lies.

(2102.) SEC. 5. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for four successive weeks previous to the time therein specified for making such application; and if there shall be no such paper, such notice shall be posted in at least five public places in such territory, at least four weeks before the time so specified therein. How Notice to be published.

(2103.) SEC. 6. Such application shall be by petition, subscribed by the applicants, who shall be residents of such territory, describing such territory, and setting forth the number of persons residing therein, according to such census; such census, and the affidavit verifying the same, and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition; and it shall be presented at the time specified in such notice, or as soon thereafter as the applicants can be conveniently heard in respect thereto. How application made, and when presented.

(2104.) SEC. 7. The Board of Supervisors shall hear all the parties interested therein, who shall appear and ask to be heard; it may adjourn the hearing from time to time; it may direct that a new census be taken, and appoint a person or persons to take the same; and said board may refer any question that may arise in respect to such application to three disinterested Commissioners, appointed by such board, who shall examine and report thereon. Proceedings of Board of Supervisors.

(2105.) SEC. 8. If such board, after hearing the parties, shall be satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory contained the population required by this act, it shall make an order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and said board shall in such order appoint three inspectors of election to hold the first election required by this act; said board shall also appoint the time and place of holding the said first election. When Board to declare Territory incorporated, and appoint Election.

Notice of First
Election, how
given.

(2106.) SEC. 9. The inspectors so appointed shall immediately give notice of the time and place of holding such election, and the officers to be elected at such election, by posting up written notices thereof in at least three public places in such territory, at least three weeks previous to the day appointed for holding the same, or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at ten o'clock in the forenoon, and shall close at four o'clock in the afternoon.

Inspectors and
Officers of Elec-
tion.

(2107.) SEC. 10. Such inspectors shall preside and act as inspectors at such meeting; the President and Trustees, or any three of them, may preside at every subsequent election; the clerk of said village may be clerk thereof, and all the laws of this State in relation to the election of township officers, canvass of votes, certifying the election of officers, and notifying them of their election, shall apply to such first election and to all subsequent elections of officers in such village, so far as the same may be applicable and not inconsistent with the provisions of this act.

Who qualified
electors.

(2108.) SEC. 11. Every elector residing in such territory, and qualified to vote for township officers in the township in which such territory, or some part thereof may be situate, may vote at all elections in said village.

Canvass of votes.

(2109.) SEC. 12. The inspectors at such first election, and at all subsequent elections, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be recorded in the records of said village.

Eligibility to
office.

(2110.) SEC. 13. No person not an elector shall be eligible to any office under the provisions of this act, and the persons eligible, and having the greatest number of votes at any election herein provided for, shall be declared elected; and if two or more shall have an equal and the greatest number of votes, the officers presiding at such election shall forthwith determine by lot which shall be deemed elected.

Who to be de-
clared elected.

Notice to persons
elected.

(2111.) SEC. 14. Every person elected at any election under the provisions of this act, and whose name is entered on the poll list as a voter thereat, shall be deemed notified of his election; and every person so elected whose name shall not be

so entered, shall be notified of his election within ten days thereafter; and if elected at such first election, such notice shall be given by the inspectors presiding thereat; and if elected at any subsequent election, he shall be notified by the clerk of such village.

(2112.) SEC. 15. The officers first elected shall hold their Terms of office. offices until the first Tuesday in March following their election, and those subsequently elected (except the clerk), shall hold their respective offices until the first Tuesday in March following their election, and until their successors are elected and qualified.

(2113.) SEC. 16. Elections for officers (except at the first Annual Elections; when held. election), shall be held on the first Tuesday in March, in each year, at such place as shall be designated by the Board of Trustees.

(2114.) SEC. 17. The officers of such village shall be a What Officers to be chosen. President, six Trustees, two Assessors, one Marshal, one Treasurer, one Clerk, three Street Commissioners, such number of Fire Wardens as the Board of Trustees may from time to time direct, not exceeding five, and one Pound Master.

(2115.) SEC. 18. Every officer elected in such village, shall, Oath of office. within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the Constitution, before any person authorized to administer oaths, and file the same with the clerk of such village.

(2116.) SEC. 19. The Board of Trustees may order a special Special Elections to fill Vacancies. election to fill any vacancy that may occur in any of the offices mentioned in this act, but no special election shall be held until at least ten days' notice shall have been given of the time and place of holding the same, as herein provided.

(2117.) SEC. 20. It shall be the duty of the clerk of said Notice of Elections. village to give at least ten days' notice in writing, by posting the same in at least three public places in said village, of the time and place of holding all elections.

(2118.) SEC. 21. It shall be the duty of the President to Duties of President and Clerk. preside at all meetings of the electors and of the Board of Trustees, and the clerk shall keep a fair and accurate record of the proceedings.

(2119.) SEC. 22. The President and Trustees of such village, President and Trustees to be body corporate. when organized as hereinbefore provided, shall be a body corporate and politic, with perpetual succession, to be known by the name designated as aforesaid, and by that name shall be known in law, and shall be capable of suing and being

sued, of pleading and being impleaded in all Courts and places, and may have a common seal, and may alter and change the same at pleasure, and may purchase, hold and convey real and personal estate, for the use of such Corporation.

Powers of President and Trustees to raise Tax, and for what purposes.

(2120.) SEC. 23. The President and Trustees shall have power to raise, by general tax, levied upon the taxable property liable to be assessed in such village, not exceeding one per cent. in any one year, for the following purposes:

1. For paying the expenses of procuring such village to be incorporated;

2. For purchasing fire engines and the necessary apparatus therefor, and implements for hook and ladder companies; but no tax shall be raised for procuring more than one fire engine, unless the population of such village shall be more than one thousand persons;

3. For purchasing or leasing the necessary ground, and erecting a suitable engine house for every fire engine and its apparatus so procured, or for hiring suitable places for keeping them;

4. For making and maintaining such public wells, cisterns and other reservoirs of water, and for procuring the necessary fixtures therefor, as may be deemed necessary;

5. For procuring the necessary ground, and erecting a pound for the use of such village, and for keeping the same in repair;

6. For purchasing, fencing, ornamenting and improving ground for a cemetery, or burial place;

7. For laying out, opening, improving and working the highways, streets, lanes and alleys in such village;

8. For making and repairing side and cross walks, and improving the public grounds;

9. For incidental expenses.

How Taxes Assessed and Collected.

(2121.) SEC. 24. All taxes raised in such village shall be assessed and collected in conformity, so far as practicable, with the provisions of law in respect to the assessment and collection of taxes by Supervisors and Town Treasurers.

Treasurer and Marshal to give security.

(2122.) SEC. 25. The Treasurer and Marshal of such village shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the President and Trustees may direct and require.

Powers of President and Trustees relative to appointments.

(2123.) SEC. 26. The President and Trustees shall have power to appoint all other officers necessary, under the provisions of this act, for said village, whose elections are not

herein provided for; to make by-laws and ordinances relative By-Laws. to the duties, powers and fees of the Marshal, Treasurer, Assessors, and other officers; relative to the time and manner of working upon the streets, commons, lanes and alleys; relative to the time and manner of assessing, levying and Taxes collecting all highway and other taxes; relative to the Nuisances. prevention, removal and abatement of nuisances; to construct Sewers, etc. sewers, cisterns and reservoirs; to dig and maintain public Wells. wells; to license showmen; to suppress gaming; to compel Showmen. Gaming. the owners of buildings to procure and keep fire buckets; to Fire Buckets. regulate bridges; to protect the property of the citizens of Bridges. Fires. such village from fires; relative to the calling of meetings of Public Meetings. the electors; relative to the keeping and sale of gunpowder; Gunpowder. relative to the restraining of swine, horses and other animals Running at large of Animals. from running at large in the streets, commons, lanes and alleys; to establish, maintain and regulate one or more pounds; Pounds. to suppress billiard and other gaming tables kept for hire, gain Billiards. or reward; for the suppression of riots; for preventing and Riots. suppressing disorderly houses, or houses of ill fame; for the Disorderly Houses. apprehension and punishment of vagrants, drunkards and idle Vagrants, etc. persons; to regulate the measurement of firewood and the Fire wood and Hay. weighing of hay; to prescribe stands for carts or drays, and Stands for Carts, etc. for wood, hay and produce exposed for sale; to prevent and punish immoderate driving in any of the streets of said Immoderate Driving. village; to prevent encumbering the streets, sidewalks, Encumbrances to Streets, etc. alleys or public grounds, and to regulate all graveyards and cemeteries within or belonging to said village; to preserve Cemeteries. shade and ornamental trees, and to make all such by-laws and Shade Trees. ordinances as to them shall seem necessary for the safety and By-Laws. good government of said village and its inhabitants, not inconsistent with the provisions of this act, or the laws of this State: *Provided*, That no by-law or ordinance of said Corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by posting up in at least three public places in said village.

(1214.) SEC. 27. The President and Trustees shall have Powers of President and Trustees in relation to Streets, etc. power to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, watercourses and bridges, as they may deem necessary for the public convenience; and if they shall require the lands of any person for Proceedings when Private Property is required for public use. such purpose, the said President and Trustees shall give notice to the owner or party interested, his, her or their agent or

Proceedings when
Private Property
is required for
Public use.

attorney, either by personal service or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of the said President and Trustees for the purpose aforesaid; and the said President and Trustees are hereby authorized to contract for, and purchase such lands of such owner for the purpose aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purpose aforesaid, or the parties fail to agree, it shall, and may be lawful for the President and Trustees to order and direct the clerk to issue a venire facias directed to the Marshal, or to any constable of the county, in which said village or any part thereof may be situate, commanding him to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before any Justice of the Peace in said village at a time to be therein stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, to the owner or owners of, or interested in such lands or premises; which jury being first duly sworn by said Justice, faithfully and impartially to inquire into the necessity of using such lands or premises, and the just compensation to be made therefor, and after having viewed the premises, if they shall deem it necessary for the village to use said lands, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands and premises, according to their respective estates and interests therein; and the said Justice shall, upon the return of such assessment or verdict, render judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or tendered, before such street, lane, alley or highway shall be opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the President and Trustees to cause the said lands and premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the Circuit or District Court for the county in which such proceedings were had, upon giving notice of his, her or their intention so to do, to said Justice in writing, within ten days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon as aforesaid, and upon filing a transcript of the proceedings aforesaid, duly certified by said Justice within forty days after the

verdict and judgment as aforesaid in the said Circuit Court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of said Court shall not exceed the damages assessed before the said Justice at least five dollars, the party appealing shall pay the costs occasioned by such appeal.

(2125.) SEC. 28. Any Justice of the Peace residing within such village may be, and is hereby authorized and empowered to inquire, hear and determine all offences committed within the limits of such village, against any of the by-laws, ordinances and regulations of such Board of Trustees, and to punish the offender or offenders as prescribed by such by-laws and ordinances: *Provided*, That any person charged with violating any of said by-laws or ordinances, may have a trial by jury as in other cases.

Jurisdiction of
Justices of Peace
as to offences
against By-Laws,
etc.

(2126.) SEC. 29. The Marshal, Clerk, Assessors, and such officers as may be appointed by the Board of Trustees, shall receive such compensation for their services as the by-laws and ordinances shall direct.

Compensation of
Officers.

(2127.) SEC. 30. The Board of Trustees shall, at the expiration of each year, cause to be published a just and true statement of all moneys received, and of all moneys expended during the year next preceding; which statement shall contain in detail all receipts and expenditures.

Annual State-
ment of Board of
Trustees.

(2128.) SEC. 31. In actions, suits and proceedings wherein the President and Trustees of such village shall be a party, no citizen thereof shall be deemed an incompetent witness or juror, on account of the interest of such citizen in the event of such action, suit or proceeding: *Provided*, That such interest be only such as is held in common with the citizens of said village.

Citizens not to be
deemed incompet-
ent as Witness
or Jurors.

(2129.) SEC. 32. Process against said Corporation may be served by reading the same to, and leaving an attested copy with, the Clerk or President of said village: *Provided*, That the first process shall be a summons served at least ten days before the return day thereof.

Proviso.

How Corporation
served with pro-
cess.

(2130.) SEC. 33. Every assessment of taxes lawfully imposed or levied by the President and Trustees of such village, on any lands, tenements or hereditaments within said village, shall be and remain a lien upon such lands, tenements or hereditaments from the time of the delivery of the tax roll to the marshal, until the same is paid; and the owner or occupant of such lands, tenements and hereditaments shall be liable upon

Taxes to be a lien
on Real Estate.

Sale of Lands for Taxes.	demand to pay every such assessment or tax, and in default thereof it shall be lawful for the marshal of such village to levy upon and sell personal estate, and for want thereof the real estate so assessed, rendering the surplus, if any, after deducting the costs and charges of such sale, to the person against whom the tax is levied: <i>Provided</i> , That whenever any
Notice of Sale.	real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in such village, if there be one, or by posting written notices thereof in at least three public places in said village, at least four weeks immediately preceding the time of such sale; and the marshal, on such sale, shall give to the purchaser or purchasers of any such
Certificate.	lands a certificate in writing, describing the lands so purchased, the amount of the bid, and the time when the purchaser
Redemption.	thereof will be entitled to a deed for said land; and if the said lands are not, within one year from the date of such sale, redeemed by the payment to the Treasurer of such village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his
Conveyance.	or their heirs or assigns, a conveyance of the lands so sold, and the said conveyance shall be <i>prima facie</i> evidence that the sale and all the proceedings therein prior to such sale
Effect of Conveyance as evidence.	were regular; and every such conveyance executed by the said marshal under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate sold for the payment of taxes, shall be sold in such manner as the by-laws and ordinances of such village shall direct.
Notice of completion of Assessment Roll.	(2131.) SEC. 34. Whenever the Assessors of such village shall have completed their assessment roll and valuation of the property, real and personal, in such village, they shall give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in at least three public places in said village, stating the place where said roll is left for inspection, and the time when and place where they will meet to hear the objections of any person interested, to the valuation so made by them; and at the time so appointed the Assessors shall meet, and on the application of any person considering himself aggrieved, may
Meeting of Assessors to review Roll.	

review and reduce the said valuation, on sufficient cause shown to the satisfaction of said Assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said Assessors, they shall have the right of appealing from such decision, at any time within five days, to the President and Trustees, who are in like manner authorized to review said roll, and upon sufficient cause shown, to reduce such valuation.

Appeal from Assessment to President and Trustees.

(2132.) SEC. 35. It shall be the duty of the President and Trustees to make out a duplicate of the tax roll, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within such village, and annex thereto their warrant, signed by the President and Clerk, and deliver the same to the marshal, whose duty it shall be to collect the said taxes, within such time and in such manner as the by-laws shall direct.

Duplicate Tax Roll.

Warrant.

(2133.) SEC. 36. All moneys received by the marshal shall be paid over to the Treasurer of said village.

Moneys to be paid to Treasurer.

(2134.) SEC. 37. The Street Commissioners shall superintend and direct the working, planking, repairing, paving, grading, and opening all streets, lanes, alleys, sidewalks, cross walks, highways and bridges within such village, in such manner as may, from time to time, be directed by the President and Trustees.

Duties of Street Commissioners.

(2135.) SEC. 38. The President and Trustees may establish the line parallel to and bounding upon the street or highway upon which buildings may be erected, and beyond which such buildings shall not extend.

Line of buildings to be established by President and Trustees.

(2136.) SEC. 39. The President and Trustees shall have authority to establish and organize fire companies, and hook and ladder companies, and provide them with engines and other implements as shall be necessary to extinguish fires, and preserve the property of such village from conflagrations; to appoint from among the inhabitants of such village such number as may be necessary to serve as firemen.

Fire Companies may be established.

(2137.) SEC. 40. Each fire, hose, and hook and ladder company shall have power to elect their own officers, and establish rules for the government of said companies, subject to the approval of the President and Trustees, and they may impose such fines for the non-attendance or neglect of duty of any of its members as they may deem necessary and proper; and every member of such company may obtain a certificate to that effect from the clerk of such village, which shall be

Powers and duties of Fire Companies.

evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries, and from the payment of a poll tax in said village; and it shall be the duty of every fire company to keep in good repair and condition the fire engines, hose, ladders and other implements of such company, and they shall assemble at least once in each month, and as often as directed by the President and Trustees, for the purpose of using and working, or examining such engine and other implements, with a view to their perfect order and repair.

**Duties of Marshal
at Fires.**

(2138.) SEC. 41. Upon the breaking out of any fire in such village, the marshal shall immediately repair to the place of such fire, and aid and assist in extinguishing such fire, and in preventing any goods from being stolen, and in removing and protecting the same, and shall obey the orders of the President and Trustees, or either of them, who may be present at such fire.

**Term of office of
Clerk.**

**Clerk to be
Police Justice.**

(2139.) SEC. 42. The Clerk of such village shall hold his office for the term of two years, and shall be a Police Justice of the Peace, and shall have cognizance of all matters arising under and by virtue of this act, and the by-laws and ordinances of the President and Trustees, and may issue all process necessary to enforce the same, with full power to try, hear and determine all suits, actions and proceedings instituted under and by virtue of this act, in like manner, and with like effect as may be done by any other Justice of the Peace by the laws of this State, and with like fees; and all process shall be tested and made returnable, and the proceedings shall be conducted in like manner as prescribed for Justices of the Peace by the laws of this State, and appeals may be taken from judgments rendered by such Police Justices in the same time, and in the same manner, as provided in other cases.

**Jurisdiction and
powers.**

**Marshal to be
Police Constable.**

(2140.) SEC. 43. The marshal shall be a Police Constable for said village, and may serve any process issued by the Police Justice or any other officer by virtue of this act, and shall perform all such services as may be required by the President and Trustees, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as constables, in the performance of similar duties; said marshal shall have the general supervision of the streets, commons, lanes, public

grounds, burial places, and alleys, in said village, under the direction of the President and Trustees, and shall see that the by-laws and ordinances are properly observed.

(2141.) SEC. 44. The docket of the Clerk, kept by him as such Police Justice, shall be and remain a public record in his office, and shall be delivered over, together with all other books and papers belonging to his office as clerk, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such Police Justice.

(2142.) SEC. 45. Any incorporated village may organize under the provisions of this act, by a vote of the electors of such village at the annual election of village officers for such village.

This act shall take effect immediately.

CHAPTER LXIII.

GENERAL PROVISIONS RELATING TO CORPORATIONS.

SECTION

- 2143. Corporations may sue and be sued, elect Officers, and make By-Laws.
- 2144. Nature of By-Laws.
- 2145, 2146. Notice of Meetings.
- 2147. When Notice unnecessary.
- 2148. Members may fill Vacancies, etc.
- 2149. Corporation may hold and convey Land, and transfer Shares.
- 2150. Corporation to continue three years after dissolution, for certain purposes.
- 2151. When Franchise, etc., may be Sold on Execution.
- 2152. Notice of Sale on Execution.
- 2153. Adjournment of Sale.
- 2154. Who considered highest bidder.
- 2155. Officer's return, and rights of purchasers.
- 2156. Purchaser may recover Penalties which Corporation might have recovered.
- 2157. Powers and duties of Corporation after Sale of Franchise.
- 2158. Franchise, how redeemed.

SECTION

- 2159. How damages may be recovered in certain cases.
- 2160. Where proceedings on Execution, etc., may be had.
- 2161. When contribution may be enforced in Chancery.
- 2162. What Acts of Incorporation may be altered or repealed.
- 2163. Returns to Supervisors.
- 2164. Forfeiture for neglect.
- 2165. Forfeiture for transferring Shares fraudulently.
- 2166. Returns to State Treasurer.
- 2167. Examination of Banks and other Corporations.
- 2168. Notice of application for alteration or amendment of Charters, how given.
- 2169. Where Notice to be published.
- 2170. When application may be made without previous notice.

Chapter Fifty-Five of Revised Statutes of 1846.

Corporations may
sue and be sued,
elect Officers,
and make By-
Laws.

(2143.) SECTION 1. All Corporations shall, when no other provision is specially made, be capable, in their corporate name, to sue and be sued, appear, prosecute and defend all actions and causes to final judgment and execution, in any Courts or elsewhere; to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine to be proper, all necessary officers, and to fix their compensation, and define their duties and obligations; and to make by-laws and regulations consistent with the laws of the State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

Nature of By-
Laws.

(2144.) SEC. 2. All Corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members respectively to one or more votes; the mode of voting by proxy, the mode of selling shares for the non-payment of assessments, and the tenure of office of the several officers; and they may prescribe suitable penalties for the violation of their by-laws, not exceeding in any case twenty dollars, for any one offence; but no such by-laws shall be made by any Corporation, repugnant to the provisions of its charter.

Notice of Meet-
ings.

(2145.) SEC. 3. The first meetings of all Corporations, unless otherwise provided for in their acts of incorporation, shall be called by a notice signed by one or more of the persons named in the act of incorporation, setting forth the time, place and purposes of the meeting; and such notice shall, at least twenty days before the meeting, be delivered to each member, or published in some newspaper of the county where the Corporation shall be established, or if no newspaper be published in the county, then in some newspaper published in an adjoining county.

Idid.

(2146.) SEC. 4. Whenever, by reason of the death, absence, or other legal impediment of the officers of any Corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any Justice of the Peace of the county where such Corporation is established may, on a written application of three or more of the members thereof, issue a warrant to either of the said members, directing him to call a meeting of the Corporation, by giving such notice as shall have been previously required by law; and the Justice may, in the same warrant, direct such person to preside at such

meeting until a clerk shall be duly chosen and qualified, if there shall be no other officer present legally authorized to preside thereat.

(2147.) SEC. 5. When all the members of a Corporation shall be present at any meeting, however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be as valid as if legally called and notified. When Notice unnecessary.

(2148.) SEC. 6. The members of such Corporation, when so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the Corporation. Members may fill Vacancies, etc.,

(2149.) SEC. 7. Every such Corporation may hold land to an amount authorized by law, and may convey the same; and whenever the capital stock of any such Corporation is divided into shares, and certificates thereof are issued, such shares may be transferred by indorsement and delivery of the certificates thereof, such indorsement being by the signature of the proprietor, or his attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered on the books of the Corporation, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer. Corporation may hold and convey land, and transfer Shares.

(2150.) SEC. 8. All Corporations whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise, shall nevertheless continue to be bodies corporate, for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock; but not for the purpose of continuing the business for which such Corporations have been or may be established. Corporation to continue three years after dissolution, for certain purposes.

(2151.) SEC. 9. When any judgment shall be recovered against any turnpike or other Corporation, authorized to receive toll, the franchise of such Corporation, with all the rights and privileges thereof, together with all their corporate property, both real and personal, may be taken on execution, and sold at public auction. When Franchise, etc., may be sold on Execution.

(2152.) SEC. 10. The officer having such execution against any Corporation mentioned in the preceding section, shall, thirty days, at least, before the day of sale of the franchise, or Notice of Sale on Execution.

other corporate personal property, give notice of the time and place of sale, by posting up a notice thereof in any township in which the Clerk, Treasurer, or any one of the Directors of such Corporation may dwell, and also by causing an advertisement of the sale, expressing the name of the creditor, the amount of the execution, and the time and place of sale, to be inserted three weeks successively in some newspaper published in any county in which either of the aforesaid officers may dwell, if any such there be, and if no newspaper be published in any such county, then in the State paper.

Adjournment of Sale.

(2153.) SEC. 11. The officer who may levy any execution, as prescribed in the preceding section, may adjourn the sale from time to time as may be necessary, until the sale shall be completed.

Who considered highest bidder.

(2154.) SEC. 12. In the sale of the franchise of any Corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, and shall agree to take such franchise for the shortest period of time, and to receive during that time all such toll as the said Corporation would by law be entitled to demand, shall be considered as the highest bidder.

Officer's return, and rights of purchasers.

(2155.) SEC. 13. The officer's return on such execution shall transfer to the purchaser all the privileges and immunities which by law belonged to such Corporation, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser possession of all the toll houses and gates belonging to such Corporation, in whatever county the same may be situated; and the purchaser may thereupon demand and receive all the toll which may accrue during the time limited by the terms of his purchase, in the same manner, and under the same regulations, as such Corporation was before authorized to demand and receive the same.

Purchaser may recover Penalties which Corporation might have recovered.

(2156.) SEC. 14. Any person who may have purchased, or shall hereafter purchase under the provisions of this chapter, the franchise of any turnpike or other Corporation, and the assignees of such purchaser, may recover, in an action on the case, any penalties imposed by law for an injury to the franchise, or for any other cause, and which such Corporation would have been entitled to recover during the time limited in the said purchase of the franchise; and during that time the Corporation shall not be entitled to prosecute for such penalties.

(2157.) SEC. 15. The Corporation whose franchise shall have been sold as aforesaid, shall, in all other respects, retain the same powers, and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures, as before such sale.

Powers and duties of Corporation after Sale of Franchise.

(2158.) SEC. 16. Such Corporation may, at any time within three months after such sale, redeem the franchise, by paying or tendering to the purchaser thereof the sum that he shall have paid therefor, with ten per cent. interest thereon, but without any allowance for the toll which he may have received ; and upon such payment or tender, the said franchise, and all the rights and privileges thereof, shall revert and belong to said Corporation, as if no such sale had been made.

Franchise, how redeemed.

(2159.) SEC. 17. Whenever any damages may have been, or may hereafter be assessed in favor of any person, for any injury sustained in his property by the doings of any such turnpike or other Corporation authorized to receive toll, or pay for the transportation of persons or property, and the said damages shall remain unpaid for the space of thirty days after such assessment, such person may have a warrant of distress against such Corporation, for the damages assessed, together with interest thereon, and his reasonable costs, and the same proceedings shall be had thereon, and with the same effect, as upon an execution issued upon a judgment against such Corporation.

How damages may be recovered in certain cases.

(2160.) SEC. 18. All the proceedings aforesaid respecting the levy of executions and warrants of distress, may be had in any county in which either the creditor, or the President, or any Director, or the Treasurer or Clerk of the Corporation may reside, or in which such Corporation has personal or real estate.

Where proceedings on execution, etc., may be had.

(2161.) SEC. 19. When the officers or members of a Corporation, or any of them, are liable for any debts of the Corporation, or for any acts of such officers or members, respecting the business of the Corporation, and also when any of the said officers or members shall be liable to contribute, for money paid by any other or others of them, on account of any such debts or acts, the money may be recovered by a bill in Chancery ; and the said Court may make all such orders and decrees therein, as may be necessary to do justice between the parties.

When contribution may be enforced in Chancery.

(2162.) SEC. 20. Every act of incorporation passed since the twentieth day of April, in the year one thousand eight hundred

What Acts of incorporation may

be altered or re-pealed. and thirty-nine, or which shall be hereafter passed, shall, at any time, be subject to amendment, alteration or repeal, at the pleasure of the Legislature: *Provided*, That no act of incorporation shall be repealed, unless for some violation of its charter

1839, p. 218, Sec. 11.

or other default, when such charter shall contain an express provision limiting the duration of the same.

Returns to Supervisors.

(2163.) SEC. 21. It shall be the duty of the clerk of every Corporation within this State, whose capital stock is or shall be subject to taxation for county or township purposes, and if there be no such clerk, then of the Directors of such Corporation, annually, between the fifteenth day of March and the first day of April, to make returns in person or by mail, to the Supervisor of each township, and the Assessors of each ward or district in any city in this State, in which any shareholder in such Corporation shall reside; which return shall state the name of each owner residing in such township or city, the number of shares belonging to each on the fifteenth day of March of that year, and the par value of such shares.

Forfeiture for neglect.

(2164.) SEC. 22. If any clerk or Director mentioned in the preceding section, shall refuse or neglect to make such return, or shall willfully make a false return, he shall forfeit the sum of fifty dollars.

Forfeiture for transferring Shares fraudulently.

(2165.) SEC. 23. If any shareholder shall fraudulently transfer any share in either of the Corporations mentioned in the twenty-first section of this chapter, for the purpose of avoiding taxation, he shall forfeit a sum equal to one half the par value of the shares so transferred.

Returns to State Treasurer.

(2166.) SEC. 24. The cashier of each Bank and the Secretary or clerk of each incorporated railroad, canal or Turnpike Company, shall, on the first Monday of October in each year, or within fifteen days previous thereto, make a return to the State Treasurer, verified by his oath, stating the amount of capital stock of such bank or railroad, canal or Turnpike Company then actually paid in, and in default thereof, the whole capital stock mentioned in the act of incorporation of such bank or company shall, for the purpose of computing the State tax payable by such bank or company, be deemed to have been paid in.

Examination of Banks and other Corporations.

(2167.) SEC. 25. It shall be the duty of the Attorney General, whenever, and as often as shall be required by the Governor, to examine into the affairs and condition of any bank or banks, or other Corporations in this State, and report such examination in writing, together with a detailed state-

ment of facts, to the Governor, who shall lay the same before the Legislature; and for that purpose the said Attorney General shall have power to administer all necessary oaths to the Directors and officers of any such bank or other Corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, books, papers and documents belonging to such bank, or pertaining to its affairs and condition; and the Legislature, or either branch thereof, shall have full power to examine into the affairs and condition of any bank or other Corporation in this State at all times; and for that purpose, any committee appointed by the Legislature, or either branch thereof, shall have full power to administer all necessary oaths to the Directors, officers and stockholders of such bank or other Corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, safes, books, papers and documents belonging to such Corporation, or pertaining to its affairs and condition, and to compel the production of all keys, books, papers and documents, by summary process to be issued on application to any Court of Record, or any Judge thereof, under such rules and regulations as the said Court may prescribe.

An Act to Provide for Notice of Application for Alterations and Amendments of the Charters of Corporations.

[Approved April 7, 1851. Took effect July 8, 1851. Laws of 1851, p. 163.]

(2168.) SECTION 1. *The People of the State of Michigan enact*, Notice of application for alteration or amendment of Charters; how given. That after the session of the Legislature for the year eighteen hundred and fifty-one, previous notice of any application to the Legislature for an alteration of the charter of any Corporation shall be given in the manner hereinafter provided. When the application is made by or on behalf of the Corporation, such notice shall be given and signed by the Mayor, President, Cashier, Secretary, or other principal officer, or a majority of the Directors, Aldermen, or Trustees; and when made by or on behalf of one or more individuals, then by the person or persons making the same; and all such notices shall set forth briefly the nature of the alteration applied for. Constitution, Art. 16, Sec. 16.

(2169.) SEC. 2. If the business of such Corporation shall be local in its character, and confined to one of the counties of this State, other than those of the Upper Peninsula, such notice shall be published in some weekly newspaper published Where Notice to be published.

in such county, or if none in the county, then in one published nearest thereto, for at least four successive weeks; the first publication whereof shall be at least thirty days prior to the making of such application. If the business of such Corporation shall not be local in its character, or if the business authorized by the charter shall be confined chiefly to the Upper Peninsula, then such notice shall be published once in each week for four successive weeks, in some paper published in the City of Detroit; the first publication whereof shall be at least thirty days prior to the making of such application. And if the applicant or applicants shall not be able to get such notice published in such paper as in this section mentioned, after having tendered to the publishers thereof a reasonable compensation therefor, then such notice may be filed in the office of the County Clerk of the county where the principal business office of such Corporation may be located, and a duplicate thereof in the office of the Secretary of State, at least thirty days prior to such application; and such filing shall be deemed a sufficient publication thereof; and proof of the publication or filing of such notice as in this section mentioned, by affidavit of the publisher, or the certificate of the Secretary of State, shall accompany every application in this section mentioned.

When application
may be made
without previous
notice.

(2170.) SEC. 3. Nothing in this act contained shall prevent any Corporation, or any individual, from applying to the Legislature for an amendment of any act of incorporation without such notice as above provided, if the amendment applied for be shown to be necessary to provide for any accident, or to remedy any defect which may have occurred within the period herein above required for the giving of such notice, nor shall this act prevent the Legislature without such notice from amending any charter of a Municipal Corporation in any particular which they may deem necessary for the public interest; and in either of the cases in this section mentioned, one day's previous notice in either House, by a member thereof, shall be deemed sufficient.

TITLE XVIII.

OF PUBLIC INSTRUCTION.

CHAPTER LXXIV. Of the Superintendent of Public Instruction.

CHAPTER LXXV. Of the University, and its Branches.

CHAPTER LXXVI. Of the State Normal School.

CHAPTER LXXVII. Of the State Agricultural School.

CHAPTER LXXVIII. Of Primary Schools.

CHAPTER LXXIX. Of Reports from Incorporated Academies, and other Literary Institutions.

CHAPTER LXXX. Of Teachers' Institutes.

CHAPTER LXXIV.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION

2171. Superintendent to have general supervision of Public Instruction; Annual Report of.

2172. Report to embody abstracts of Reports of Inspectors.

2173. To prepare Forms, Regulations, etc., for School Officers.

2174. Forms, etc., to be printed in pamphlet form.

2175. Apportionment of Primary School Fund.

2176. To furnish Auditor General with Annual Statement of the amount payable to each County.

SECTION

2177. Notices to County Clerk of amount to be disbursed in each County.

2178. Rates of apportionment, how ascertained when Reports defective.

2179. In what cases deficiency may be apportioned the next year.

2180. Interest on Educational Fund, how computed and how paid.

2181. Superintendent at the expiration of term to deliver to Successor Books, Papers, etc.

2182. Certain enactments repealed.

An Act Prescribing the Duties of the Superintendent of Public Instruction, and to Repeal Chapter Fifty-Six of the Revised Statutes of Eighteen Hundred and Forty-Six, and an Act to Amend said Chapter Fifty Six, approved March twenty-ninth, one thousand eight hundred and fifty.

[Approved April 4, 1851. Took effect July 8, 1851. Laws of 1851, p. 116.]

Superintendent
to have general
supervision of
Public Instruc-
tion.

Annual Report of.

(2171.) SECTION 1. *The People of the State of Michigan enact,* That the Superintendent of Public Instruction shall have general supervision of Public Instruction, and it shall be his duty, among other things, to prepare annually and transmit a report to the Governor, to be transmitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the University, and its branches, of all incorporate Literary Institutions and of the Primary Schools;

2. Estimates and amounts of expenditures of the school money;

3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;

4. The condition of the Normal School;

5. All such other matters relating to his office, and the subject of education generally, as he shall deem expedient to communicate.

Report to embody
abstracts of Re-
ports of Inspe-
ctors.

To prepare forms,
regulations, etc.,
for School Offi-
cers.

(2172.) SEC. 2. He shall make all necessary abstracts of the reports of School Inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

(2173.) SEC. 3. He shall prepare and cause to be printed, with the laws relating to primary schools, all necessary forms, regulations and instruments for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Forms, etc., to
be printed in
pamphlet form.

(2174.) SEC. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

(2175.) SEC. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of four and eighteen years, as the same shall appear by the reports of the several Township Inspectors of primary schools, made to him for the year last closed.

Apportionment of
Primary School
Fund.

(2176.) SEC. 6. He shall prepare annually a statement of the amount, in the aggregate, payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

To furnish Au-
ditor General
with Annual
statement of the
amount payable
to each County.

(2177.) SEC. 7. He shall also send written notices to the clerks of the several counties, of the amount, in the aggregate, to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled, "An Act to amend Chapter fifty-eight of the Revised Statutes of one thousand eight hundred and forty-six," approved March twenty-eight, one thousand eight hundred and fifty.

Notices to County
Clerk of amount
to be disbursed
in each County.

(2178.) SEC. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Rates of appor-
tionment, how
ascertained when
Reports defect-
ive.

(2179.) SEC. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, between the age of four and eighteen years, and entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the Superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment; and

In what cases
deficiency may
be apportioned
the next year.

the conditions of this section shall extend to all cases which accrue in the year one thousand eight hundred and fifty.

Interest on Educational Fund, how computed and how paid.

(2180.) SEC. 10. Upon all sums paid into the State Treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the Treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

Superintendent at the expiration of term to deliver to Successor books, papers, etc.

(2181.) SEC. 11. The Superintendent shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Certain enactments repealed. R. S., of 1846, Chap. 58. 1860, p. 181.

(2182.) SEC. 12. Chapter fifty-six of the Revised Statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

CHAPTER LXXV.

OF THE UNIVERSITY, AND ITS BRANCHES.

SECTION

- 2183. University continued.
- 2184. Its objects.
- 2185. Government vested in Board of Regents.
- 2186. Regents to be a body Corporate.
- 2187. Regents to make By-Laws, etc., Elect President, Professors, etc., and fix Salaries.
- 2188. May remove President, Professors, etc.
- 2189. May appoint other Officers, and prescribe their compensation.
- 2190. Of what Departments University to consist.
- 2191. Regents to prescribe Course of Study for Students who do not desire to pursue Collegiate Course.
- 2192. To make provision for Meteorological Tables.
- 2193. General direction of Institution.
- 2194. Admission Fees; What Students admitted without Fee.

SECTION

- 2195. University to be open to Citizens of the State without charge.
- 2196. Moneys to whom paid, and how applied.
- 2197. Annual Report of Regents.
- 2198. Buildings may be erected from increase of University Fund.
- 2199. Interest of Fund, how expended.
- 2200, 2201. Board of Regents may establish branches.
- 2202. Meetings of Board.
- 2203. Board of Visitors may be appointed; Their duties and Report.
- 2204. Regents and Visitors to be paid their expenses.
- 2205. Orders on Treasurer how signed.
- 2206. Repeal of Chap. 67 of Revised Statutes.
- 2207. Department of Natural History in the University.

An Act to Provide for the Government of the State University, and to Repeal Chapter Fifty-Seven of the Revised Statutes of Eighteen Hundred and Forty-Six.

[Approved April 8, 1851. Took effect July 8, 1851. Laws of 1851, p. 205.]

(2183.) SECTION 1. *The People of the State of Michigan enact,* University con-
tinued.
That the institution established in this State, and known as the University of Michigan, is continued under the name and style heretofore used.

(2184.) SEC. 2. The University shall provide the inhabitants its objects.
of this State with the means of acquiring a thorough know-
ledge of the various branches of Literature, Science and Arts.

(2185.) SEC. 3. The government of the University is vested Government
vested in Board
of Regents.
in the Board of Regents.

(2186.) SEC. 4. The Board of Regents shall constitute the Regents to be a
body Corporate.
body corporate, with the right as such of suing and being
sued, of making and using a common seal, and altering the
same.

(2187.) SEC. 5. The Regents shall have power to enact Regents to make
By-Laws, etc.,
elect President,
Professors, etc.,
and fix salaries.
ordinances, by-laws and regulations for the government of the
University; to elect a President, to fix, increase and reduce
the regular number of Professors and Tutors, and to appoint
the same, and to determine the amount of their salaries:
Provided, that there shall always be at least one Professor of
Homœopathy in the department of Medicine. (a)

(2188.) SEC. 6. They shall have power to remove the May remove
President, Pro-
fessors, etc.
President, and any Professor or Tutor, when the interest of
the University shall require it.

(2189.) SEC. 7. They shall have power to appoint a Secretary, May appoint
other Officers,
and prescribe
their compensa-
tion.
Librarian, Treasurer, Steward, and such other officers as the
interests of the institution may require, who shall hold their
offices at the pleasure of the board, and receive such compen-
sation as the board may prescribe.

(2190.) SEC. 8. The University shall consist of at least three Of what depart-
ments University
to consist.
departments:

1. A department of Literature, Science and the Arts;
2. A department of Law;
3. A department of Medicine;
4. Such other departments may be added as the Regents

(a) As Amended by "An Act to Amend an Act entitled, 'An Act to Provide for the Government of the State University, and to Repeal Chapter Fifty-Seven of the Revised Statutes of eighteen hundred and forty-six,' approved April eighth, eighteen hundred and fifty-one." Approved Feb. 12, 1855. Laws of 1855, p. 232.

shall deem necessary, and the state of the University fund shall allow.

Regents to pre-
scribe Course of
Study for Stu-
dents who do not
desire to pursue
Collegiate Course.

(2191.) SEC. 9. The Regents shall provide for the arrangement and selection of a course or courses of study in the University, for such students as may not desire to pursue the usual collegiate course, in the department of literature, science and the arts, embracing the ancient languages, and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

To make provi-
sion for Meteor-
ological Tables.

(2192.) SEC. 10. The Regents shall make provision for keeping a set of meteorological tables at the University, after the forms adopted and furnished by the Smithsonian Institution, the record of which shall be transmitted with their report to the Superintendent of Public Instruction, who shall embody the same into his report.

General direction
of Institution.

(2193.) SEC. 11. The immediate government of the several departments shall be entrusted to the President and the respective faculties; but the Regents shall have power to regulate the course of instruction, and prescribe, under the advice of the Professorship, the books and authorities to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

Admission Fees.

(2194.) SEC. 12. The fee of admission to the regular University course in the department of literature, science and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee to the citizens of this State.

What Students
admitted without
Fee.

University to be
open to Citizens
of the State with-
out charge.

(2195.) SEC. 13. The University shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed by the Regents; and to all other persons under such regulations and restrictions as the board may prescribe.

Moneys to whom
paid, and how
applied.

(2196.) SEC. 14. The moneys received from such source shall be paid to the Treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the Regents in keeping the University buildings in good condition and repair, and the balance shall be appropriated for the increase of the library.

(2197.) SEC. 15. The Board of Regents shall make an exhibit of the affairs of the University, in each year, to the Superintendent of Public Instruction, setting forth the condition of the University and its branches; the amount of receipts and expenditures; the number of Professors, Tutors and other officers, and the compensation of each; the number of students in the several departments, and in the different classes; the books of instruction used; an estimate of the expenses for the ensuing year; a full transcript of the journal of their proceedings for the year; together with such other information and suggestions as they may deem important, or the Superintendent of Public Instruction may require to embody in his report. Annual Report of Regents.

(2198.) SEC. 16. From the increase arising from the interest of the University fund, the Board of Regents may erect, from time to time, such buildings as are necessary for the uses of the University, on the grounds set apart for the same; but no such buildings shall be erected until provision shall be made for the payment of the existing indebtedness of the University, nor until one branch of the University shall be established in each judicial circuit of the State. Buildings may be erected from increase of University Fund.

(2199.) SEC. 17. The Board of Regents shall have power to expend so much of the interest arising from the University fund, as may be necessary for the improving and ornamenting the University grounds, for the purchase of philosophical, chemical, meteorological, and other apparatus, and to keep the same in good condition. Interest of Fund, how expended.

(2200.) SEC. 18. As soon as the income of the University interest fund will admit, it shall be the duty of the Board of Regents to organize and establish branches of the University, one at least in each judicial circuit or district of the State, and to establish all needful rules and regulations for the government of the same. They shall not give to any such branch the right of conferring degrees, nor appropriate a sum exceeding fifteen hundred dollars, in any one year, for the support of any such branch. Board of Regents may establish branches.

(2201.) SEC. 19. The Regents may establish and organize a branch or branches, by the creation of a Trusteeship for the local management of the same, or they may in their discretion select for a branch, under the restrictions aforesaid, any chartered literary institution in the State. Ibid.

(2202.) SEC. 20. The meetings of the Board may be called in such manner as the Regents shall prescribe; five of them shall Meetings of Board.

constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Board of Visitors
may be appointed.

(2203.) SEC. 21. A Board of Visitors, to consist of three persons, shall be appointed biennially at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the state and condition of the University in all its departments and branches, once at least in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important; which report shall be embodied into the report of the Superintendent.

Their duties and
Report.

Regents and
Visitors to be
paid their expenses.

(2204.) SEC. 22. The Regents and Visitors of the University shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the University interest fund.

Orders on Treasurer how signed.

(2205.) SEC. 23. All orders on the Treasurer shall be signed by the Secretary, and countersigned by the President.

Repeal of Chap.
57 of Revised
Statutes.

(2206.) SEC. 24. Chapter fifty-seven of the Revised Statutes is hereby repealed.

An Act Relative to the Department of Natural History in the University of Michigan.

[Approved May 11, 1846. Laws of 1846, p. 199.]

Department of
Natural History
in the University.

(2207.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the various specimens of geology, mineralogy, zoology, botany, and all other specimens pertaining to Natural History belonging to the State, and now deposited in the University buildings, be, and the same are hereby transferred to the Board of Regents of the University of Michigan, to be held by said Board of Regents in trust for the use and benefit of the said University and its branches; and the said Board of Regents are hereby authorized to take, have and enjoy, the right, property, possession and control thereof, and make such disposition of the said specimens as may be most beneficial for the interests of the University and its branches aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXVI.

OF THE STATE NORMAL SCHOOL.

SECTION

2208. Acts and Contracts of Board of Education confirmed.
2209. State Normal School, where established; Its design.
2210. To be under direction of Board of Education; Board to provide for erection of buildings.
2211. Board of Education, and their appointment; Ex-officio Members; Who to be Secretary and Treasurer; Board may elect President; Members not to be Agents, etc., for School Books.
2212. Powers of Board of Education.
2213. Experimental School to be established.
2214. Powers and duties of Board to provide grounds, buildings, etc., for Instruction in Agriculture and Mechanic Arts.
2215. Notice to be given when School ready for Pupils.
2216. Rules and Regulations for Admission of Pupils; Certain Pupils to pay or secure Tuition Fees.
2217. Pupils to sign declaration of intention to become Teachers; But may be admitted without; Ratio of Pupils from each County.
2218. Board of Visitors, how appointed.
2219. Superintendent of Public Instruction to visit School, and make Report.

SECTION

2220. Lectures.
2221. Examination of Pupils; Certificate of qualifications.
2222. Board may receive Donations and Subscriptions; How to be applied; Deficit in erection of buildings, etc., how paid.
2223. What Lands to constitute Endowment Fund; Minimum price of Lands, and how sold.
2224. Funds under control of Board of Education.
2225. Expenses of Board of Education and Visitors, how paid; Instructors and Officers how paid; Pay of Members and Visitors.
2226. The Board of Education to be body Corporate, their powers, etc.
2227. To be subject to Provisions of Chapter 55 of Revised Statutes of 1846; First Meeting, when held; Process against Board, how served.
2228. Certain enactments repealed.
2229. Legislature may alter, amend, or repeal this Act.
2230. Diplomas may be granted to Graduates from Normal School.
2231. Diploma to be accompanied by Certificate, which shall serve as Certificate of qualifications to teach.

An Act to Consolidate and Amend the Laws Relative to the Establishment of a State Normal School.

[Approved March 26, 1850. Laws of 1850, p. 123.]

(2208.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That all acts done* Acts and contracts of Board of Education confirmed. *and contracts made by and with the Board of Education under and by virtue of "An Act to establish a State Normal School,"*

1849, p. 157.
1849, p. 221.

approved March twenty-eighth, eighteen hundred and forty-nine, and the act supplementary thereto, approved March thirty-first, eighteen hundred and forty-nine, be and they are hereby ratified and confirmed.

State Normal
School, where es-
tablished.

(2209.) SEC. 2. That a State Normal School be established and continued at Ypsilanti, in the county of Washtenaw, upon the site selected by said Board of Education, the exclusive purposes of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common school education. Also to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry; in the fundamental laws of the United States, and in what regards the rights and duties of citizens.

Its design.

To be under di-
rection of Board
of Education.

(2210.) SEC. 3. The said Normal School shall be under the direction of a Board of Education, and shall be governed and supported as herein provided. Said board shall provide for the erection of suitable buildings on the site selected as soon as the title thereto is vested in them in fee, and the means in their hands for that purpose are sufficient; and they may appoint a suitable person to superintend the erection of said buildings.

Board to provide
for erection of
buildings.

Board of Educa-
tion, and their
appointment.

(2211.) SEC. 4. Said Board of Education shall hereafter consist of six members, three of whom shall be appointed by the Governor, by and with the advice and consent of the Senate and House of Representatives in joint Convention. The members of said board heretofore appointed shall hold their offices for the term for which they were designated. At the session of the Legislature for the year eighteen hundred and fifty, and annually thereafter, the vacancies occurring shall be filled as above directed by appointment, the term of which shall be three years. The Governor shall, by appointment, fill any vacancy that may occur when the Legislature is not in session; such appointment to expire at the close of the next session of the Legislature. The Lieutenant Governor, the State Treasurer, and the Superintendent of Public Instruction, shall, by virtue of their office, be members of said board, and the latter shall be their Secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the Legislature as are required by this act. The State Treasurer shall, by virtue of his office, be Treasurer of said board, and the members thereof shall annually elect one of their number President. And no member of said Board of

Ex-officio Mem-
bers.

Who to be Secre-
tary and Treas-
urer.

Board may elect
President

Education shall, during his continuance in office as a member of said board, act as the agent of any publisher or publishers of school books or school library books, or be, or become interested in the publication or sale of any such books as agent or otherwise. And the Governor of this State is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent, or is interested in the manner aforesaid, to remove such member of said board from office, and to appoint another member in his place to fill such vacancy. (a)

Members not to be Agents, etc., for School books.

(2212.) SEC. 5. Said Board of Education shall have power to appoint a Principal and assistant to take charge of said school, and such other Teachers and officers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either the Principal, assistant, or Teachers, and to appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and by-laws necessary for the good government and management of the same.

Powers of Board of Education.

(2213.) SEC. 6. Said board shall also establish an experimental school in connection with the Normal School, and shall make all the regulations necessary to govern and support the same, and may, in their discretion, admit pupils free of charge for tuition.

Experimental School to be established.

(2214.) SEC. 7. Said board shall have power, and it shall be their duty, from time to time, as the means at their disposal may warrant, to provide suitable grounds and buildings, implements of husbandry and mechanical tools, either by purchase or lease, for the purpose of more effectually and experimentally carrying out the provisions of the second section of this act, "To Give Instruction in the Mechanic Arts, and in the Arts of Husbandry any [and] Agricultural Chemistry."

Powers and duties of Board to provide grounds, buildings, etc., for instruction in Agriculture and Mechanic Arts.

(2215.) SEC. 8. As soon as said Normal School is prepared to receive pupils, the Superintendent of Public Instruction shall give notice of the fact to each County Clerk in the State, and shall publish said notice in a newspaper published in each Senatorial district.

Notice to be given when School ready for Pupils.

(2216.) SEC. 9. The Board of Education shall ordain such

Rules and Regulations for admission of Pupils. rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good Teacher, such

Certain Pupils to pay or secure tuition fees. applicant shall be rejected. The Board of Education may, in their discretion, require any applicant for admission to said school—other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching primary schools in this State—to pay, or secure to be paid, such fees for tuition as to said board shall seem reasonable.

Pupils to sign declaration of intention to become Teachers. (2217.) SEC. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*,

But may be admitted without. That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this State: *And provided, further*, That pupils may be admitted without signing such declaration of intention, on such terms as the Normal School Board may prescribe; and that each county shall be entitled to send pupils in the ratio of the Representatives in the State Legislature to which it may be entitled, not to exceed such number as the board may prescribe.

Ratio of Pupils from each County. (2218.) SEC. 11. After said school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the Board of Education, who shall examine thoroughly into the affairs of the school, and report to the Superintendent of Public Instruction their views with regard to its condition, success and usefulness, and any other matters they may judge expedient. Such Visitors shall be appointed annually.

Board of Visitors, how appointed. (2219.) SEC. 12. It shall be the duty of the Superintendent of Public Instruction, once at least in each term, to visit said school; and he shall annually make to the Legislature a full and detailed report of the doings of the Board of Education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress and usefulness of said school, including so much of the reports of said Visitors as he may deem advisable.

Superintendent of Public Instruction to visit School, and make Report. (2220.) SEC. 13. Lectures on chemistry, comparative anatomy, astronomy, the mechanic arts, agricultural chemistry, and on

Lectures

any other science, or any branch of literature that the Board of Education may direct, may be delivered to those attending said school, in such manner, and on such terms and conditions as the Board of Education may prescribe.

(2221.) SEC. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed; and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the Principal, to be approved by the Superintendent of Public Instruction.

Examination of Pupils.

Certificate of qualifications.

(2222.) SEC. 15. The Board of Education shall have the power and authority to demand and receive the sum or sums donated and subscribed by the citizens of Ypsilanti and its vicinity, in such manner as said board may prescribe, and apply the same to the erection and completion of the necessary buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same in defraying the expenses of conducting said school. And any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the principal to be received on the sale of lands hereinafter mentioned, not to exceed the sum of ten thousand dollars. Such sum shall be paid from time to time on the warrant of the Auditor General, to be drawn in pursuance of the certificate of the Superintendent of Building, or Secretary of the Board, and countersigned by the President of the Board of Education; and no such certificate shall be issued until work shall be done, or services rendered, or buildings erected, or books, apparatus, fixtures, or furniture purchased for the Normal School, under the direction of the Board of Education, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose, or for services and expenses of the board or some member thereof, in connection with the selection of the site, or the erection of the Normal School buildings, or the improvement of the grounds.

Board may receive Donations and Subscriptions.

How to apply them.

Deficit in erection of buildings, etc., how paid.

(2223.) SEC. 16. The ten sections of salt spring lands, located by the Board of Education under the provisions of sections fifteen and sixteen of "An Act to Establish a State Normal School," 1849, p. 137. approved March twenty-eighth, eighteen hundred and forty-

What Lands to constitute Endowment Fund.

Minimum price of Lands, and how sold.

nine, together with the fifteen sections of said salt spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by Congress, or received or set apart (in any manner), in lieu of any portion of said land to which the title may prove insufficient, and all donations, in land or otherwise, to the State in trust, or to the Board of Education for the support of a Normal School, shall constitute a fund, to be called the Normal School Endowment Fund, and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre; and it shall be the duty of the officer authorized to sell said lands, to cause the same to be appraised as soon as practicable, in the manner provided for the appraisal of other lands; none of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold, shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the State land office, as is now, or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said institution (except as herein provided). The instalments of principal paid by the purchasers, shall be paid into the State Treasury; and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest, as the same may be, shall be computed by the Auditor General and State Treasurer, at the close of each fiscal year, at the rate of six per cent. per annum, and together with all interest paid by purchasers of any portion of said lands, shall be passed to the credit of the Normal School interest fund, to be drawn therefrom upon the warrant of the Auditor General, issued in pursuance of a certificate of the Board of Education, signed by their Secretary and countersigned by their President, that the money is due and payable to the Principal of the Normal School, or his assistants, or the Teachers or officers employed, or to the members of the board, or the Board of Visitors, as herein authorized, or for necessary incidental expenses in the support or maintenance of said School, or some of its departments.

Funds under control of Board of Education.

(2224.) SEC. 17. Said funds shall be under the direction and control of the Board of Education, subject to the provisions herein contained. The Treasurer of said board shall pay out

of the proper fund all orders or drafts for moneys to be expended under the provisions of this act. Such orders or drafts to be drawn by the Auditor General on the certificate of the Secretary, countersigned by the President of the Board. No such certificates shall be given except upon accounts audited and allowed by the board at a regular meeting.

(2225.) SEC. 18. The services, and all necessary traveling and other expenses, already or hereafter to be incurred by any member of the Board of Education, or the Board of Visitors, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the Treasurer, until the erection and completion of the necessary buildings. The Principal, assistants, Teachers and other officers employed in said school, shall be paid out of the Normal School interest fund, and from receipts for tuition; and the services and expenses of the Board of Education, after the erection of the necessary buildings, and other expenses incident to said institution, shall be paid for out of the Normal School interest fund, in the same manner, as near as may be, as is required in regard to moneys drawn for the payment of the Principal or other Teachers. The members of the Board of Education and the Visitors shall be entitled to two dollars per day for their actual services, and to their necessary traveling and other expenses.

Expenses of Board of Education and Visitors, how paid.

Instructors and Officers, how paid.

Pay of Members and Visitors.

(2226.) SEC. 19. For the purpose of rendering more efficient their organization, and to enable them the more fully to carry into effect the provisions herein contained, the members of the Board of Education, now holding their offices under the provisions of "An Act to establish a State Normal School," approved March 28th, 1849, and their successors in office, are hereby constituted a body politic and corporate, by the name of "The Board of Education," for the purposes herein contemplated, and subject to such modifications as may be made thereto, and in that name shall have perpetual succession, and shall be, and they are hereby empowered to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of, to sue and be sued, plead and be impleaded in all Courts in this State, to have and to use a common seal, and the same to change, alter and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the well ordering and government of said Corporation and the transaction of its business: *Provided*, The same be not

"The Board of Education" to be body Corporate their powers, etc.

repugnant to the Constitution or laws of this State or of the United States.

To be subject to provisions of Chap. 55 of Revised Statutes of 1846.

Chapter 73.

First Meeting, when held.

Process against Board, how served.

Certain enactments repealed. 1843, p. 157. 1849, p. 221.

Legislature may alter, etc., this Act.

(2227.) SEC. 20. Said Corporation shall be subject to the provisions of chapter fifty-five of the Revised Statutes of 1846, so far as the same can apply, and are not inconsistent with the provisions of this act. They shall have power to transact all necessary business at any meeting, a quorum being present; and meetings may be called in such manner as their by-laws may provide, and a quorum shall consist of a majority of the members. The first meeting under this act may be held at such time and place as may be directed by the Secretary, and no publication of notice thereof shall be necessary; and the attendance of a quorum shall render valid the proceedings of such meeting. All process against said Corporation shall be served on the President or Secretary thereof.

(2228.) SEC. 21. Sections four, fifteen, and sixteen of "An Act to establish a State Normal School," approved March 28th, 1849, and all of the provisions of said act, and the act supplementary thereto, which are inconsistent with the provisions of this act, are hereby repealed. (b)

(2229.) SEC. 22. This act shall take effect and be in force from and after its passage, and the Legislature may at any time alter, amend or repeal the same by a vote of two-thirds of the members present in each House.

An Act Providing for Granting Diplomas to Graduates of the State Normal School.

[Approved February 13, 1857. Laws of 1857, p. 231.]

Diplomas may be granted to graduates from Normal School.

(2230.) SECTION 1. *The People of the State of Michigan enact,* That the Board of Instruction of the State Normal School are authorized to grant to graduates of said institution diplomas, which, when signed by the members of the State Board of Education, shall be regarded as evidence that such graduates have completed the prescribed course of study in said institution.

Diplomas to be accompanied by Certificate which shall serve as

(2231.) SEC. 2. Each diploma so conferred shall be accompanied by a certificate, signed by the Board of Instruction, which, when recorded in the office of the clerk of any township

(b) It is believed that all the provisions of the Acts here referred to, not expressly repealed, and not inconsistent with the provisions of this Act, are re-enacted by it. They are, therefore, not given here.

in this State, shall serve the holder as a certificate of qualification to teach in any primary school of said township, until the same shall be amended (annulled) by the School Inspectors of such township under the provisions of law for annulling certificates.

Certificate of
qualification to
Teach.

CHAPTER LXXVII.

OF THE STATE AGRICULTURAL SCHOOL.

SECTION

2232. Selection of location for School; Farm to be purchased.
2233. Salt Spring Lands appropriated for purchase of Land, erection of Buildings, etc.
2234. On execution and approval of conveyance, Auditor General to draw Warrant to pay for same.
2235. Agricultural College to be established; its purpose and design.
2236. Course of Instruction; Professorships; Compensation of Professors; Pupils and Tuition.

SECTION

2237. Terms of School; Pupils not to be received for less than term, except by special permission.
2238. Hours for labor, study, etc.
2239. Board of Education to appoint Officers of College; Establish Rules and Regulations, etc.; To fix compensation for labor of Pupils.
2240. Duties of President.
2241. Duties of Secretary.
2242. Duties of Treasurer.
2243. Visitors to be appointed; Their duties.

An Act for the Establishment of a State Agricultural School.

[Approved February 12, 1855. Laws of 1855, p. 279.]

(2232.) SECTION 1. *The People of the State of Michigan enact,* Selection of location for School.
That the President and Executive Committee of the Michigan State Agricultural Society be, and are hereby authorized to select, subject to the approval of the State Board of Education, a location and site for a State Agricultural School, within ten miles of Lansing; and subject to such approval, contract for and purchase for the State of Michigan such lands, not less than five hundred acres, nor more than one thousand acres, in one body, for the purpose of an experimental farm and site for such Agricultural School: *Provided,* That the amount to be paid for such farm and site shall not exceed fifteen dollars per acre, and that the conveyance or conveyances be made to the State of Michigan.

Farm to be purchased.

Salt Spring Land^s
appropriated for
purchase of Land,
erection of Build-
ings, etc.

(2233.) SEC. 2. That there is hereby appropriated twenty-two sections of salt spring lands, or the money arising from the sale thereof, referred to in article thirteen, section eleven, of the Constitution of the State of Michigan, for the purchase of land for such site and location, and the preparation thereof, the erection of buildings, the purchase of furniture, apparatus, library and implements, payment of Professors and Teachers, and other necessary expenses, to be incurred in the establishment and successful operation of said school; which sum shall be drawn from the State Treasury on the presentation of the proper certificates of the Board of Education to the Auditor General, and on his warrant to the State Treasurer; but not to exceed in the whole amount the sum of fifty-six thousand, three hundred and twenty dollars, the minimum price of said twenty-two sections, unless the whole proceeds of the sales of said sections shall exceed that sum, and then not to exceed the amount of such proceeds. (a)

On execution and
approval of con-
veyance, Auditor
General to draw
Warrant to pay
for same.

(2234.) SEC. 3. Upon the execution and delivery to the Secretary of State of the proper conveyance or conveyances of the land, the purchase of which is provided for in the first section of this act, and the certificate of the Attorney General that he has examined the title to the same, and finds it unencumbered, and that the conveyance or conveyances are executed in due form, and a certificate from the President and Secretary of the Board of Education, that the same is in accordance with the contract or contracts for the purchase of the same, and that the location has been approved by them, the Auditor General shall draw his warrant or warrants on the State Treasurer for the amount of such purchase, in favor of the party or parties to whom such sum or sums shall be due, payable out of said salt spring lands, or money accruing from the sale of the same; and the said certificates in this section mentioned, shall be filed and preserved in the office of the Secretary of State.

Agricultural Col-
lege to be es-
tablished, its
purpose and
design.

(2235.) SEC. 4. Upon the purchase of such location and site, there shall be established on such site, under the direction and supervision of the State Board of Education, an Agricultural School, by the name and style of the Agricultural College of

(a) As Amended by "An Act making an Appropriation for the State Agricultural School, and to Amend the Act entitled, 'An Act for the Establishment of a State Agricultural School, Approved February twelfth, eighteen hundred and fifty-five.'" Approved February 16, 1857, Laws of 1857, p. 385.

the State of Michigan, and the chief purpose and design of which shall be, to improve and teach the science and practice of agriculture.

(2236.) SEC. 5. The course of instruction in said college shall include the following branches of education, viz.: an English and scientific course, natural philosophy, chemistry, botany, animal and vegetable anatomy and physiology, geology, mineralogy, meteorology, entomology, veterinary art, mensuration, leveling and political economy, with book-keeping and the mechanic arts, which are directly connected with agriculture, and such others as the Board of Education may from time to time see fit to prescribe, having reference to the objects specified in the previous section; and the said board may establish such professorships, and employ such Professors and Teachers, to be called the Board of Instruction of said college, for the instruction aforesaid, as they may judge best for such object: *Provided*, The sum paid such Professors and Teachers for the first year after said college shall go into operation, shall not exceed the sum of five thousand dollars, and for the next year, not exceeding the sum of six thousand dollars, and for any years thereafter, such a sum as the State Board of Education may deem necessary, for the successful operation of the institution. Tuition in said institution shall be forever free to pupils from this State, and any number of pupils may be admitted who shall apply from any part of this State: *Provided*, That in case more pupils apply than can be accommodated or taught, then said board shall adopt some equitable plan, giving to each county a number according to the ratio of population, as it shall appear from the census last taken; and in that case, those from each county shall be admitted in the order in which they shall apply, until the quota of such county be full.

(2237.) SEC. 6. There shall be two scholastic terms in each year, the first term commencing on the first Wednesday in April, and ending on the last Wednesday in October; the second term commencing the first Wednesday in December, and ending on the last Wednesday in February; and no pupil shall be received for less than one term, unless by special permission from the Board of Instruction.

(2238.) SEC. 7. The Board of Education, upon consultation with the Board of Instruction, shall, from time to time, fix and establish rules as to the number of hours which shall be devoted to manual labor and to study, which may be different in different terms or seasons; but during the first term in

such year, the time devoted to labor shall not be less than three, nor more than four hours each day; and no student or pupil of said college shall be exempt from such labor, except in case of sickness or other infirmity.

Board of Education to appoint Officers of College.

(2239.) SEC. 8. The Board of Education shall appoint one of the Professors in said college to be the President thereof, and one to be its Secretary, and one to be its Treasurer; and the Board of Instruction may establish such rules and regulations from time to time, for the government of said college and instruction therein, as they may deem proper in any matter not regulated by the Board of Education; and the rules and regulations adopted by such Board of Instruction, shall remain in full force until altered by said Board of Education. And said Board of Instruction shall have power, subject to the approval of the Board of Education, to establish by-laws for the government and discipline of the pupils of said college, in regard to conduct and behavior, and to affix such pecuniary penalties as they may deem proper, and to prescribe the causes for expulsion or dismissal of any such pupil, which by-laws shall have the force of law, unless altered, modified or repealed by the Board of Education or the Legislature; and the Board of Education shall fix the compensation to be credited or paid for the labor performed by pupils, under the provisions of section seven of this act.

To fix compensation for labor of Pupils.

Duties of President.

(2240.) SEC. 9. The President of said Board of Instruction shall preside at all meetings of said board, except in case of sickness or absence; in which case the board may elect one of their number President *pro tempore*; and it shall be the duty of the President to see that all the regulations established by this act by the Board of Education and by the Board of Instruction, in regard to the government and instruction in said college, be enforced.

Duties of Secretary.

(2241.) SEC. 10. The Secretary of said Board of Instruction shall record all the proceedings of said board, and all regulations and by-laws for the government of said college, and shall publish the same, and furnish a copy thereof to the Governor of this State, to each member of the Board of Education, to the County Clerk of each county, and to the Clerk of each organized township in this State. He shall also keep a full record of all improvements and experiments made on said lands, their cost and results. He shall also keep a careful account with each field, in connection with a plan of the farming lands or farm, exhibiting the position of each, in

which shall be shown the manner and cost of preparing the ground, the kind of crop, time of planting or sowing, the after condition, the time and manner of harvesting, the labor devoted to each process, and its cost price, with the cost of preparing the matured crop for market, and the price for which it was sold, and of such other matters as the Board of Education and of Instruction, or either of them, may require of him; and he shall furnish a copy thereof at the end of each term to the President of the Board of Education; and the said record shall, at all reasonable hours, be open to the inspection of any citizen of this State.

(2242.) SEC. 11. The Treasurer shall receive and keep all ^{Duties of Treasurer.} moneys arising from the sale of products of the farm, and from fines and penalties that may be imposed; and shall give bonds in such sum as the Board of Education may require. He shall pay over all moneys upon the warrant of the President, countersigned by the Secretary, on account of such contingent expenses of the institution as may arise. He shall render annually, in the month of December, to the Board of Education, and as often as required by said board, a full and true account of all moneys received and disbursed by him; stating for what received and paid, and shall produce vouchers for such payments. The surplus money, if any remain in his hands at the time of rendering such account, shall, if required by said board, be paid over to the State Treasurer, to be placed to the credit of said institution.

(2243.) SEC. 12. After said College shall have commenced ^{Visitors to be appointed.} its first term, the Superintendent of Public Instruction shall appoint Visitors for the same, who shall perform the like ^{Their duties.} duties required of such Visitors by law, in reference to the State Normal School.

SEC. 13. This act shall take effect immediately. (b)

(b) For an Act making appropriations for this School for 1857 and 1858, see Laws of 1857, p. 385.

CHAPTER LXXVIII.

OF PRIMARY SCHOOLS.

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Chapter Fifty Eight of Revised Statutes of 1846.

DISTRICTS.

(2244.) SECTION 1. Whenever the Board of School Inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk.

When new District is formed, Township Clerk to deliver notice to taxable inhabitant. 1843, p. 88, etc.

(2245.) SEC. 2. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

Inhabitant to serve notice.

(2246.) SEC. 3. The said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification, with the date or dates thereof, and deliver such notice and return to the chairman of the meeting.

Return of notice.

(2247.) SEC. 4. The said chairman shall deliver such notice and return to the Director chosen at such meeting, who shall record the same at length in a book to be provided by him, at the expense of the district, as a part of the records of such district.

Notice and Return to be Recorded.

(2248.) SEC. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and also at each annual meeting, shall choose a Moderator, Director, and Assessor, who shall be residents of said district, and who shall, within ten days after such meeting, severally file with the Director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said Director. (a)

Election of Officers, etc.

(2249.) SEC. 6. Every such school district shall be deemed duly organized, when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid. (b)

When District deemed organized.

(a) As Amended by Act No. 157 of 1850, p. 150.

(b) See the Act of February 8, 1855, following.

New Notice in case of failure to organize.

(2250.) SEC. 7. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered. (c)

Corporate powers of Districts.

(2251.) SEC. 8. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the State or Territory of Michigan, shall be a body corporate, and shall possess the usual powers of a Corporation for public purposes, by the name and style of "School District Number (such number as shall be designated in the formation thereof by the inspectors) of , " (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

Director's Record evidence.

(2252.) SEC. 9. The record made by the Director, as required in the fourth section of this chapter, shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the School Inspectors, as evidence.

Presumption of legal organization.

(2253.) SEC. 10. Every school district shall, in all cases, be presumed to have been legally organized, when it shall have exercised the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

Annual Meeting.

(2254.) SEC. 11. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day.

Special Meeting.

(2255.) SEC. 12. Special meetings may be called by the District Board, or by any one of them, on the written request of any five legal voters of the district, by giving the notice required in the next succeeding section, and in all notices of special meetings the object of the meeting shall be stated.

(2256.) SEC. 13. All notices of annual or special district

meetings, after the first meeting has been held as aforesaid, shall specify the day and hour, and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district; and in case of any special meeting called for the purpose of establishing or changing the site of a school house, such notice shall be given at least ten days previous thereto.

(2257.) SEC. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

(2258.) SEC. 15. Every white male inhabitant of the age of twenty-one years, residing in the district, and liable to pay a school district tax therein, shall be entitled to vote at any district meeting. (d)

(2259.) SEC. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath in substance as follows: "You do swear (or affirm) that you are twenty-one years of age, that you are an actual resident of this School District, and liable to pay a school district tax therein;" and every person taking such oath, shall be permitted to vote on all questions proposed at such meeting.

(2260.) SEC. 17. If any person so challenged shall refuse to take such oath, his vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

(2261.) SEC. 18. When any question is taken in any other manner than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering to vote, and treated in the same manner.

(2262.) SEC. 19. The qualified voters in such school district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary; to designate a site for a school house, by a vote of two-thirds of those present, and to change the same by a similar vote, at any regular meeting.

(d) As Amended by Act No. 106 of 1847. Laws of 1847, p. 168, Section 6.

When Inspectors
to determine site
of School House.

(2263.) SEC. 20. When no site can be established by such inhabitants as aforesaid, the School Inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the Director of the district, and shall be final, subject to alteration afterwards by the Inspectors only, if necessary.

Qualified voters
may direct pur-
chasing of site,
etc., and pre-
scribe the
amount of fuel,
and how furnish-
ed.

(2264.) SEC. 21. The said qualified voters shall also have power at any such meeting to direct the purchasing or leasing of an appropriate site, and the building, hiring, or purchasing of a school house, and the amount of fuel to be furnished, and the time and mode of furnishing it for the succeeding year; whether by apportionment to persons having scholars to send to such school, in wood, to be delivered at the school house, or in money, to be assessed on a rate bill, or by a tax on the property of the district, and to impose such tax as may be sufficient for the payment thereof, subject to the limitation contained in the succeeding section. (e)

Limitation of Tax
for School House,
etc.

(2265.) SEC. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school house, shall not exceed the sum of two hundred dollars in any one year, unless there shall be more than thirty scholars residing therein, between the ages of four and eighteen years; and the amount thereof shall not exceed three hundred dollars in any one year, unless there shall be more than fifty scholars residing in the district between the ages last aforesaid; and no sum shall be raised exceeding one hundred and eighty dollars, for the purpose of building or purchasing a school house of less dimensions than twenty-four feet by thirty feet, and ten feet between floors; nor exceeding seventy-five dollars for the purpose of building or purchasing a school house, constructed of round or hewn logs.

Tax for Repairs,
and for Appa-
ratus, etc., for
use of School.

(2266.) SEC. 23. Such qualified voters, when assembled as aforesaid, may from time to time impose such tax as shall be necessary to keep their school house in repair, and to provide the necessary appendages, and to pay and discharge any debts or liabilities of the district lawfully incurred; and in districts containing more than fifty scholars between the ages of four and eighteen years, may raise a sum not exceeding twenty

(e) As Amended by "An Act to Amend Chapter Fifty-Eight, Title Eleven, of the Revised Statutes of 1846, relative to the Power of School Districts in Furnishing Fuel for Schools," Approved Feb. 10, 1855. Laws of 1854, p. 134. This Act Amends Sections Twenty-One and Forty, as here given.

dollars in any one year for globes, outline maps, or any apparatus for the purpose of illustrating the principles of astronomy, natural philosophy, and agricultural chemistry or the mechanic arts. (f)

(2267.) SEC. 24. They may also determine, at each annual meeting, the length of time a school shall be taught in their district during the ensuing year, which shall not be less than three months; and whether by male or female teachers, or both; and whether the moneys apportioned for the support of the school therein shall be applied to the winter or summer term, or a certain portion of each.

Voters may determine the length of time a School shall be taught, etc.

(2268.) SEC. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meeting, the District Board shall have power, and it shall be their duty, to determine the same.

When District Board may determine.

(2269.) SEC. 26. Said qualified voters may also, at any regular meeting, authorize and direct the sale of any school house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district.

When voters may direct Sale of Property.

(2270.) SEC. 27. They may also give such directions, and make such provision as they shall deem necessary, in relation to the prosecution or defence of any suit or proceeding in which the district may be a party, or interested.

Directions in regard to suits.

. DISTRICT OFFICERS, THEIR POWERS AND DUTIES.

(2271.) SEC. 28. The officers of each school district shall be a Moderator, Director and Assessor, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen, and filed their acceptance, but not beyond ten days after the time of a second annual meeting after their election or appointment, without being again elected or appointed.

District Officers.

Moderator.

(2272.) SEC. 29. The Moderator shall have power, and it shall be his duty, to preside at all meetings of the district, to sign all warrants for the collection of rate bills after they shall

Moderator's powers and duties.

have been prepared and signed by the Director, and to countersign all orders upon the Assessor for moneys to be disbursed by the district, and all warrants for the Director upon the Township Treasurer for moneys raised for district purposes, or apportioned to the district by the Township Clerk; but if the Moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.

Moderator to keep order, etc.

(2273.) SEC. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and after notice from the Moderator or person presiding, shall persist therein, the Moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable or other person or persons to take him into custody until the meeting shall be adjourned.

Penalty for disturbing Meeting.

(2274.) SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall willfully disturb such meeting shall, for every such offence, forfeit a sum not exceeding twenty dollars.

ASSESSOR.

Assessor to collect and pay over Moneys.

(2275.) SEC. 32. The Assessor shall pay over all moneys in his hands belonging to the district, on the warrant of the Director, countersigned by the Moderator; and shall collect all rate bills for tuition and fuel, in obedience to the command contained in the warrant annexed thereto.

On refusal to pay, Assessor to collect by distress.

(2276.) SEC. 33. In case any person shall neglect or refuse to pay the amount on such rate bill for which he is liable, on demand, the Assessor shall collect the same by distress and sale of any goods or chattels of such person, wherever found, within any county in which the district, or any part of it, is situated.

Notice of Sale.

(2277.) SEC. 34. The Assessor shall give at least ten days' notice of such sale, by posting up written notices thereof in three public places in the township where such property shall be sold.

Assessor to make return to Director.

(2278.) SEC. 35. At the expiration of his warrant, the Assessor shall make a return thereof, in writing, with the rate bill attached, to the Director; stating the amount on said rate bill collected, the amount uncollected, and the names of the persons from whom collections have not been made.

(2279.) SEC. 36. The Assessor shall appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the Director shall appear for such district, if no other direction be given as aforesaid.

When Assessor to
appear for Dis-
trict.

DIRECTOR.

(2280.) SEC. 37. The Director shall be the Clerk of the District Board, and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof to the Director, to be recorded by him.

Director to be
Clerk.

(2281.) SEC. 38. The Director shall record all the proceedings of the district, in a book to be kept for that purpose, and preserve copies of all reports made to the School Inspectors, and safely preserve and keep all books and papers belonging to his office.

To Record pro-
ceedings, etc.

(2282.) SEC. 39. By and with the advice and consent of the Moderator and Assessor, or one of them, the Director shall contract with, and hire qualified Teachers for, and in the name of the district, which contract shall be in writing, and shall have the consent of the Moderator and Assessor, or one of them endorsed thereon, and shall specify the wages per week or month as agreed by the parties, and a duplicate thereof shall be filed in his office.

To contract with
Teachers.

(2283.) SEC. 40. He shall ascertain, as near as practicable, before the commencement of each school term, if the district at any regular meeting so direct, the just proportion which each person having scholars to send to the school ought to furnish, of the fuel for such term, and give each such person at least five days' notice of the time within which he is required to deliver the same at the school house; and if any person shall not deliver his proportion as required, the same shall be furnished by the Director, and the amount thereof shall be assessed on the rate bill to the person neglecting to deliver his proportion as aforesaid. (g)

To ascertain re-
quisite quantity
of fuel for each
person, and give
notice to furnish,
etc.

To take Census
of District, and
make list.

(2284.) SEC. 41. Within ten days next previous to the annual district meeting, the Director shall take the census of his district, and make a list in writing of the names of all the children belonging thereto between the ages of four and eighteen years.

To furnish copy
of list to Teacher,
and require
Teacher to note
attendance and
make return.

(2285.) SEC. 42. He shall furnish a copy of such list to each Teacher employed in the district, and require such Teacher carefully to note the daily attendance of each scholar, and to make return thereof to him, including the ages of all scholars whose names are not on such list; and such Teacher shall also certify and return, according to his best information and belief, the name of the person liable for the tuition of each scholar.

When Teacher to
keep list, etc.

(2286.) SEC. 43. In case the Director shall not have furnished such list as aforesaid, the Teacher shall keep a list of all the scholars attending school, and the number of days each scholar shall attend the same, with the age of each, and the name of the person liable for the tuition of each, according to his best information and belief, which list he shall return to the Director as aforesaid.

Director to ascer-
tain amount due
for Tuition.

(2287.) SEC. 44. The Director shall ascertain from the return of such Teacher, the number of days for which each person not exempted shall be liable to pay for tuition, and the amount payable by each.

Rate bill for Tui-
tion and fuel, and
Warrant for col-
lection.

(2288.) SEC. 45. Within twenty days after receiving such list and certificate from the Teacher, the Director shall make out a rate bill, containing the name of each person so liable, and the amount due from him for tuition and fuel, or either, adding thereto five cents on each dollar of the sum due, for Assessor's fees, and shall annex thereto a warrant for the collection thereof, to be signed by him and the Moderator.

Contents of War-
rant.

(2289.) SEC. 46. Such warrant shall command the Assessor that within sixty days he collect of the persons named in said rate bill the amount set opposite their respective names, and that if any person shall neglect or refuse, on demand, to pay the amount on said rate bill for which he is liable, he collect the same by distress and sale of the goods and chattels of such person wherever found within the county or counties in which the district is situated, first publishing such sale at least ten days, by posting up notices thereof in three public places in the township where such property shall be sold.

Renewal of War-
rant.

(2290.) SEC. 47. In case the Moderator and Director shall deem it necessary, they may, by an endorsement on such war-

rant signed by them, extend the time therein specified for the collection of such rate bill, not exceeding thirty days.

(2291.) SEC. 48. The Director shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein, and shall keep an accurate account of all expenses incurred by him as Director.

Director to provide appendages, etc., and keep account.

(2292.) SEC. 49. He shall present said account for allowance to the qualified voters of the district, at a regular meeting, and the amount of such account, as allowed by such meeting, shall be assessed and collected in the same manner as other district taxes; but no such account shall be allowed at a special meeting, unless the intention to present the same shall be expressed in the notice of such meeting.

Allowance of Director's account.

(2293.) SEC. 50. He shall give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school house, if there be one.

Director to give Notice of Meetings.

(2294.) SEC. 51. The Director shall draw from the Township Library the proportion of books to which his district may be entitled, and return the same to the Township Library at the expiration of three months, and shall continue to draw books in like manner, at the expiration of every three months, and to return the same as aforesaid.

To draw books from Township Library, and return the same.

(2295.) SEC. 52. He shall distribute the books drawn out by him to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the Board of School Inspectors.

Distribution of books.

(2296.) SEC. 53. He shall draw and sign all orders upon the Assessor for all moneys to be disbursed by the district, and all warrants upon the Township Treasurer for moneys raised for district purposes, or apportioned to the district by the Township Clerk, and present the same to the Moderator, to be countersigned by him.

Director to draw and sign Warrants on Treasurer.

(2297.) SEC. 54. The Director shall also, at the end of each school year, deliver to the Township Clerk, to be filed in his office, a report to the Board of School Inspectors of the township, showing:

Director to Report to Township Clerk.

1. The whole number of children belonging to the district,

- Contents of Re-
port.
- between the ages of four and eighteen years, according to the census taken as aforesaid ;
2. The number attending school during the year, under four, and also the number over eighteen years of age ;
 3. The whole number that have attended school during the year ;
 4. The length of time the school has been taught during the year by a qualified Teacher, the name of each Teacher, the length of time kept by each, and the wages paid to each ;
 5. The average length of time scholars between four and eighteen years of age have attended school during the year ;
 6. The amount of money received from the Township Treasurer, apportioned to the district by the Township Clerk ;
 7. The amount of money raised by the district, and the purposes for which it was raised ;
 8. The kinds of books used in the school ;
 9. Such other facts and statistics in regard to schools, and the subject of education, as the Superintendent of Public Instruction shall direct.

DISTRICT BOARD.

District Board. (2298.) SEC. 55. The Moderator, Director and Assessor shall constitute the District Board.

Board to Report
amount voted by
District, etc. (2299.) SEC. 56. Said board shall, between the last Monday of September and the second Monday of October, in each year, make out and deliver to the Supervisor of each township in which any part of the district is situated, a report in writing under their hands, of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property within the district.

Purchase of
books for Poor
Children. (2300.) SEC. 57. The District Board may purchase, at the expense of the district, such school books as may be necessary for the use of children admitted by them to the district school free of charge, and they shall include the amount of such purchases, and the amount which would have been payable for fuel and Teachers' wages, by persons exempted from the payment thereof, together with any sums on the district rate bills, which could not be collected, in their report to the Supervisor or Supervisors, to be assessed as aforesaid.

(2301.) SEC. 58. Said board shall exempt from the payment

of Teachers' wages, and from providing fuel for the use of the district, all such persons residing therein as in their opinion ought to be exempted, and shall certify such exemptions to the Director; and the children of such persons shall be admitted to the district school free of charge during the time of such exemption.

Exemption of
Poor Persons
from payment of
Tuition, etc.

(2302.) SEC. 59. They shall purchase or lease a site for a school house, as shall have been designated by the district, in the corporate name thereof, and shall build, hire or purchase such school house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters, at an annual or special meeting: *Provided*, That the District Board shall not in any case build a stone or brick school house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also that they shall not in any case build a frame school house upon any site for which they have not a title in fee, or a lease for fifty years, without reserving the privilege of removing the said school house when lawfully directed so to do by the qualified voters of the district, at any annual or special meeting.

Board shall pur-
chase or hire site
for School House,
etc.

(2303.) SEC. 60. The District Board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, as may be directed by the district; but no school moneys apportioned to any district shall be appropriated to any other use than the payment of Teachers' wages, and no part thereof shall be paid to any Teacher who shall not have received a certificate as required in this chapter, before the commencement of his school.

Board to apply
School Moneys.

(2304.) SEC. 61. The Moderator and Director shall require of the Assessor, and the Assessor shall execute to the district, a bond in double the amount of money to come into his hands as such Assessor during the year, as near as the same can be ascertained, with two sufficient sureties, to be approved by the Moderator and Director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office.

Bond to be re-
quired of Asses-
sor.

(2305.) SEC. 62. Such bond shall be lodged with the Moderator, and in case of any breach of the condition thereof, the Director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall

Where Bond to
be lodged, and
when sued, etc.

be paid into the Township Treasury, for the use of the district, subject to the order of the proper district officers.

Report of Receipts and Disbursements.

(2306.) SEC. 63. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements.

Statement of Taxes, etc.

(2307.) SEC. 64. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said reports shall be recorded by the Director in a book to be provided and kept for that purpose.

Board to have custody of District Property.

(2308.) SEC. 65. The said District Board shall have the care and custody of the school house and other property of the district, except so far as the same shall be specially confided to the custody of the Director, including all books purchased for the use of pupils admitted to the school free of charge.

To fill Vacancies.

(2309.) SEC. 66. The said board shall have power to fill, by appointment, any vacancy that shall occur in their own number, and it shall be their duty to fill such vacancy within ten days after its occurrence.

Board may appoint Assessor in certain cases.

(2310.) SEC. 67. If the Assessor shall fail to give bond as is required in this chapter, or from sickness or any other cause shall be unable to attend to the duty of collecting any district rate bill, the said board shall appoint an acting Assessor to collect the same, who shall possess all the powers of the District Assessor for that purpose, and shall, before proceeding to the collection thereof, give bond to the district in double the amount of money to be collected, in the same manner, and with the same effect as the District Assessor is required to give such bond. Every school district

When District Office to become vacant.

office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three of chapter fifteen of the Revised Statutes of 1846. (h)

(h) As Amended by Act No. 157 of 1850, p. 150, Sec. 2. For the Section of the Revised Statutes here referred to, see Sec. 475 page 219.

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

(2311.) SEC. 68. The Inspectors elected at the annual township meetings, together with the Township Clerk, shall constitute the Township Board of School Inspectors; and the Inspector elected at the annual township meeting, having the shortest time to serve, shall be chairman of said board, and the said Township Clerk shall be the clerk thereof.

Board of School Inspectors.

(2312.) SEC. 69. The chairman of said board shall be the Treasurer thereof, and shall give bond to the township in double the amount of library moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the Township Clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office.

Chairman of Board to be Treasurer and give Bond.

(2313.) SEC. 70. Said bond shall be filed with the Township Clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the Township Treasury for the benefit of the Township Library.

In case of breach, Bond to be sued.

(2314.) SEC. 71. The Inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be; but no land shall be taxed for building a school house, unless some portion of every legal subdivision of said land shall be within two and one half miles of said school house site. (i)

Formation of Districts.

2 Doug., Mich. 121.

(2315.) SEC. 72. They may attach to a school district any person residing in the township, and not in any organized district, at his request; and for all district purposes, except raising a tax for building a school house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Persons residing out of District may be attached to District in certain cases.

(i) Sec. 2, of Act 106 of 1840 (p. 165), which has never been repealed unless by implication, provides that, "It shall not be lawful for the School Inspectors of Common Schools in any township divided by Grand River, below the village of Lyons, in the county of Ionia, to set off any School District so as to embrace land within the same lying on both sides of said river, and all districts heretofore organized shall be so altered as to conform to this Section, without the consent of the owners of the same."

Inspectors to receive and appropriate Library Money.

(2316.) SEC. 73. The Inspectors shall apply for and receive from the Township Treasurer all moneys appropriated for the Township Library of their township, and shall purchase the books, and procure the necessary appendages for the Township Library, and make such rules for the regulation thereof, and the preservation of the books contained in it, as they may deem proper.

To appoint one of their number to visit Schools.

(2317.) SEC. 74. They shall appoint one of their number to visit each school in the township having a qualified Teacher, at least once in each school term in which a school is taught, who shall inquire into the condition of such schools, examine the scholars, and give such advice to both Teachers and pupils as he may think beneficial.

When part of District set off, value of Property to be apportioned.

(2318.) SEC. 75. When a new district is formed, in whole or in part, from one or more districts possessed of a school house, or entitled to other property, the Inspectors, at the time of forming such new district, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been, in whole or in part formed, as the proportion of such new district, of the value of the school house and other property belonging to the former district at the time of such division.

How proportion to be ascertained.

(2319.) SEC. 76. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the Inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

(j)

Proportion to be certified to Supervisor; How disposed of.

(2320.) SEC. 77. The amount of such proportion, when so ascertained and determined, shall be certified by the Township Clerk to the Supervisor of the Township, whose duty it shall be to assess the same upon the taxable property of the district retaining the school house or other property of the

(j) As Amended by "An Act to Amend Section Seventy-Six, Chapter Fifty-Eight, Title Eleven, of the Revised Statutes of Eighteen Hundred and Forty-Six, in relation to Primary Schools." Approved April 2, 1851. Laws of 1851, p. 77

former district, in the same manner as if the same had been authorized by a vote of such district, and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

(2321.) SEC. 78. When collected, such amount shall be paid over to the Assessor of the new district, to be applied to the use thereof, in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school house, or other district purposes.

When apportionment collected to be paid over.

(2322.) SEC. 79. Between the first and fifteenth days of October in each year, the Inspectors shall make out and deliver to the Township Clerk duplicate reports to the County Clerk, setting forth the whole number of districts in their townships, the amount of money raised and received for the Township Library, together with the several particulars set forth in the reports of the School Directors for the preceding year. (k)

Report from Inspectors to Township Clerk.

(2323.) SEC. 80. The Board of Inspectors, before making their annual report to the County Clerk, shall examine the record of Teachers to whom certificates have been given by them, and if in any school district a school shall not have been taught for three months during the preceding school year by a qualified Teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the County Clerk. (l)

Record of Teacher to be examined before Report made, etc.

(2324.) SEC. 81. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the Inspectors, or a majority of them, of each of such adjoining townships, may form such district, and direct which Township Clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary. The Director of such district shall make his annual report to the Clerk of the Township in which the school house is situated. (m)

Formation of Districts in two or more Townships.

To whom Report to be made.

(k) As Amended by Act 157 of 1850, p. 151, Section 3.

(l) As Amended by Act 157 of 1850, p. 151, Section 4.

(m) As Amended by Act 157 of 1850, p. 151, Section 5.

Director to Re-
port to each
Township.

(2325.) SEC. 82. The Director of every district formed as provided in the preceding section, shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of four and eighteen years in that part of the district lying in such township, and books shall be drawn from the library of each township for the use of such district: but the district shall have access to but one such library at the same time, and the said Inspectors shall establish the order in which books shall be drawn from each Township Library.

Districts formed
from two or more
Townships, how
regulated.

(2326.) SEC. 83. Such school districts already formed from two or more townships, shall continue to be governed by the regulations already established according to law, in relation to the annual reports, and the drawing of books from the Township Libraries, subject to such changes as may be made in respect thereto by the said Inspectors, in conformity with the preceding provisions.

Amount of Taxes,
how certified and
apportioned.

(2327.) SEC. 84. The full amount of all taxes to be levied upon the taxable property in such district, shall be certified by the District Board to the Supervisor of each of such townships, and each of said Supervisors shall certify to each other Supervisor within whose township such district is in part situated, the amount of taxable property in that part of the district lying in his township; and such Supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

Examination of
Teachers.

(2328.) SEC. 85. It shall be the duty of the Inspectors to examine annually all persons offering themselves as candidates for Teachers of primary schools in their township, in regard to moral character, learning and ability to teach a school; and they shall deliver to each person so examined and found qualified, a certificate signed by them, in such form as shall be prescribed by the Superintendent of Public Instruction; which certificate shall be in force for two years from the date thereof, unless annulled within that time, and no person shall be deemed a qualified Teacher within the meaning of this chapter, who has not such a certificate in force.

Meetings for ex-
amining Teach-
ers, and Notice
thereof.

(2329.) SEC. 86. For the purpose of making such examination, the Board of School Inspectors shall meet on the second Saturday of April and first Saturday of November in each year, at the office of the Township Clerk, or at such other place as they shall designate, of which meetings the Township

Clerk shall give at least ten days' notice in writing, by posting up the same in three public places in the township.

(2330.) SEC. 87. The Inspectors may make such examination at such other times as they may designate for that purpose, but shall make no charge against the township for examining Teachers at any other times than those specified in the preceding section. Examination at other times.

(2331.) SEC. 88. The examination of Teachers shall be public, and no certificate shall be given by the Inspectors, unless they are satisfied that the applicant possesses a good moral character, and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in other respects to teach and govern a school. Examination to be Public; qualifications of Teachers.

(2332.) SEC. 89. When a district is situated in two or more townships, the Teacher for such district shall be examined by the Inspectors of the township to which the Director is required to make his annual report. Where Teacher to be examined for District situated in two or more Townships.

(2333.) SEC. 90. Whenever the Inspectors shall deem it necessary to re-examine any Teacher of a primary school in their township, they shall give five days' notice to such Teacher of the time and place of such re-examination, and of their intention to annul his certificate if they find him deficient in the requisite qualifications; and at the time and place specified in the notice, if such Teacher shall not appear and submit to such re-examination, or if he shall be found deficient as aforesaid, the Inspectors shall annul the said certificate. Inspectors may re-examine Teacher, and annul certificate.

(2334.) SEC. 91. The whole number of meetings of said Board of Inspectors during any one year, at the expense of the township, shall not exceed six; and whenever said board shall meet for the purpose of forming or altering school districts, they shall cause the like notice to be given as is required for meetings to examine Teachers. Number of Meetings of Board. Notice in certain cases.

(2335.) SEC. 92. Whenever the Board of Inspectors of any township shall deem that the interests of any of the schools will be best promoted by so doing, they may form a single district out of any two or more districts therein, and classify the pupils in such district into two or more classes, according to their proficiency and advancement in learning, and require that such pupils be taught in district schools or departments as classified by them, and such district may have the same number of school houses, if necessary, and raise the same Districts may be formed from two or more Districts, and pupils classified.

amount of taxes, which the original districts forming the same could raise if not united.

When additional Trustees may be appointed.

1. In districts containing more than one hundred scholars between the ages of four and eighteen years, the District Board may be enlarged by adding thereto four Trustees: *Provided*, The district determine to do so, by a two-third vote, at any annual meeting;

2. The additional Trustees first elected shall serve severally, one, two, three and four years, to be determined by lot, immediately on filing their certificate of acceptance with the Director. After the first election, each Trustee elected shall serve four years;

3. All vacancies that may occur in the office of Trustee shall be filled according to existing provisions for filling vacancies in the District Board;

4. Rate bills shall be collected, and all moneys shall be drawn and applied according to existing provisions of law, but in the employment of Teachers the Director shall have the approval of the Moderator or Assessor, according to provisions of law heretofore existing, and of at least two of the Trustees; and the authority to classify pupils in such cases shall be transferred from the School Inspectors to the enlarged District Board;

5. The boundaries of districts that may avail themselves of this act, shall not be enlarged nor diminished without the written approval of a majority of the enlarged District Board. (n)

On application of District Board, Inspector may classify Pupils in any District, etc.

(2336.) SEC. 93. The said Inspectors may also, on the application of the District Board of any district, classify the pupils therein in the manner prescribed in the preceding section, and require that such pupils be taught in distinct departments, whenever they shall judge that the interests of the school will be best promoted thereby; and in case of any such classification as is provided for in this or the preceding section, as many Teachers may be employed for each district as there are departments in which Teachers are required. (o)

Inspectors to account to Township Board.

(2337.) SEC. 94. It shall be the duty of the Board of Inspectors to render to the Township Board, on the Tuesday next preceding the annual township meeting, a full and true

(n) As Amended by Act 183 of 1849, p. 227, and Act No. 25 of 1850, p. 20.

(o) See the Act of February 18, 1850, following.

account of all moneys received and disbursed by them as such Inspectors during the year, which account shall be settled by said Township Board, and such disbursements allowed, if the proper vouchers are presented.

(2338.) SEC. 95. Whenever any District Board shall fail to supply any vacancy that shall occur in their own number, within ten days after the time of its occurrence, the Board of Inspectors shall fill the same by appointment. (p)

When Inspectors to supply vacancy in District Board; Power to appoint Librarian.

CERTAIN DUTIES OF TOWNSHIP CLERK.

(2339.) SEC. 96. The Township Clerk shall be the Clerk of the Board of School Inspectors by virtue of his office, and shall attend all meetings of said board, and under their direction prepare all their reports and record the same, and shall record all their proceedings, including the names of Teachers to whom certificates shall have been given, with the date of each certificate, and the name of each Teacher whose certificate shall have been annulled, with the date of such annulment.

Clerk of Board of Inspectors.

(2340.) SEC. 97. On receiving notice from the County Treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein entitled to the same, in proportion to the number of children in each between the ages of four and eighteen years, as the same shall be shown by the annual report of the Director of each district for the school year last closed.

Clerk to apportion School Moneys.

(2341.) SEC. 98. Said clerk shall also apportion, in like manner, on receiving notice of the amount from the Township Treasurer, all moneys raised by township tax, or received from other sources for the support of schools, and in all cases make out and deliver to the Township Treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office.

To apportion School Moneys raised by Township, and Record apportionment.

(2342.) SEC. 99. He shall receive and keep all reports to the Inspectors from the Directors of the several school districts in his township, and all the books and papers belonging to the Inspectors, and file such papers in his office.

To keep books and papers.

(2343.) SEC. 100. He shall receive all such communications

To receive and dispose of communications from Superintendent. as may be transmitted to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

To transmit Inspectors' Report. (2344.) SEC. 101. He shall transmit to the County Clerk all such reports as may be delivered to him for that purpose by the Inspectors, within the time limited in this chapter.

To make Map of Districts. (2345.) SEC. 102. Each Township Clerk shall cause a map to be made of his township, showing by distinct lines thereon the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon as established by the Inspectors.

To file copy of Map, and deliver copy to Supervisor. (2346.) SEC. 103. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the Supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

To certify amount to be collected on division of a District. (2347.) SEC. 104. The clerk shall also certify to the Supervisor the amount to be assessed upon the taxable property of any school district retaining the district school house or other property, on the division of the district, as the same shall have been determined by the Inspectors, and he shall also certify the same to the Director of such district, and to the Director of the district entitled thereto.

Clerk to be Librarian. (2348.) SEC. 105. Said clerk shall also be the Township Librarian, and as such, shall have the custody of the Township Library; and he shall do and execute all such other acts and things pertaining to his office, as may be required of him by the Inspectors.

OF TAXES FOR SCHOOL PURPOSES.

Assessment and collection of Taxes for School purposes. (2349.) SEC. 106. It shall be the duty of the Supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the Township Treasurer, in the same manner and for the same compensation as township taxes.

(2350.) SEC. 107. The Supervisor shall also assess upon the

taxable property of his township one mill upon each dollar of the valuation thereof, in each year; and twenty-five dollars of the same shall be applied for the purchase of the books for the Township Library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one hundred and six of chapter fifty-eight of the Revised Statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment shall be collected in the same manner as State and county taxes. (q)

(2351.) SEC. 108. The Supervisor, on delivery of the warrant for the collection of taxes to the Township Treasurer, shall also deliver to said Treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this chapter upon the taxable property of any district, with the amount payable to such person on account thereof. (r)

(2352.) SEC. 109. The Township Treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of the tax for township expenses, the full amount of the school tax on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the School Inspectors, or of the persons entitled thereto.

(2353.) SEC. 110. Said Treasurer shall, from time to time, apply to the County Treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the Township Clerk of the amount to be apportioned.

CERTAIN DUTIES OF THE COUNTY CLERK.

(2354.) SEC. 111. It shall be the duty of each County Clerk

(q) As Amended by "An Act to Amend an Act entitled, 'An Act to Amend Section One Hundred and Seven of Chapter Fifty-Eight of the Revised Statutes of Eighteen Hundred and Forty-Six, and the Acts amendatory thereto, relative to Primary Schools,' Approved April Seventh, Eighteen Hundred and Fifty One." Approved February 14, 1853. Laws o. 1853, p. 123. The Act of which this is amendatory will be found in Laws of 1851, p. 172. And see the Act of April 2, 1850, following.

(r) See the Act of April 2, 1850, following.

County Clerk to receive and dispose of communications from Superintendent.

County Clerk to Report to Superintendent.

Notice of School Moneys apportioned.

to receive all such communications as may be directed to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed by said Superintendent.

(2355.) SEC. 112. The clerk of each county shall, immediately after receiving the annual reports of the several Boards of School Inspectors, transmit to the Superintendent of Public Instruction one of the duplicate reports of each of the said several boards, and the other he shall file in his office; and on receiving notice from the Superintendent of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the County Treasurer. (s)

SEC. 113. (t)

LIBRARIES.

Library to be maintained in each Township.

(2356.) SEC. 114. A Township Library shall be maintained in each organized township in this State, which shall be the property of the township, and the parents and guardians of all children therein, between the ages of four and eighteen years, shall be permitted to use books from such Library without charge, being responsible to the township for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the Board of School Inspectors of the township.

Books to be drawn once in three months, and returned by Directors.

(2357.) SEC. 115. The books in such Library shall, once in three months, be distributed by the Township Librarian among the several school districts of the township, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the Director thereof, and said books shall be drawn and returned by the several Directors for their respective districts. (u)

Proceeds of fines, etc., to be apportioned by County Treasurer among Townships for purchase of books.

(2358.) SEC. 116. The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption from military duty, when collected in any county, and paid into the County Treasury, together with all moneys heretofore collected and paid into said Treasury, on account of such fines or equivalents, and not

(s) As Amended by Act 157 of 1850, p. 151, Section 6.

(t) Repealed. Laws of 1850, p. 151, Section 7.

(u) See the Act of April 2, 1850, following.

already apportioned, shall be apportioned by the County Treasurer, between the first and tenth days of April in each year, among the several townships in the county, according to the number of children therein, between the ages of four and eighteen years, as shown by the last annual statement of the County Clerk on file in his office; which money shall be applied to the purchase of books for the Township Library, and for no other purpose.

(2359.) SEC. 117. In each district in which a District Library has been established, the Director shall, as the Librarian of the district, distribute the books therein to the children of his district of proper age, and shall collect from the parents or guardians of such children, all such damages as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the Township Library, pursuant to such rules and regulations as shall be prescribed by the Board of School Inspectors.

Director to distribute books of District Library, and collect damages for injury done to, and books belonging to Township Library.

(2360.) SEC. 118. If such damages shall have occurred by reason of any injury to, or loss of, or neglect to return any books belonging to the Township Library, they shall be collected in the name of the township, and paid into the Township Treasury for the benefit of such Township Library, and if the same shall have accrued by reason of any injury to, or loss of, or neglect to return any books belonging to the District Library, the same shall be collected in the name of the district, for the benefit of the District Library.

Damages to books, how collected and applied.

DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

(2361.) SEC. 119. The interest of the Primary School Fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year, for the support of Primary Schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such townships, between the ages of four and eighteen years; and the same shall be payable on the warrant of the Auditor General to the Treasurers of the several counties. (v)

Interest of School Fund to be distributed.

Payable to County Treasurers on Warrant of Auditor General.

County Treasurer
to receive Mo-
neys and notify
Clerk of each
Township.

(2362.) SEC. 120. The several County Treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said Treasurers shall immediately give notice to the Treasurer and Clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the Township Treasurer.

SEC. 121. (w)

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Justices to have
jurisdiction in
certain cases.

(2363.) SEC. 122. Justices of the Peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against School Districts, when the amount claimed, or matter in controversy shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases.

Suit against Dis-
trict, how com-
menced.

(2364.) SEC. 123. When any suit shall be brought against a School District, it shall be commenced by summons, a copy of which shall be left with the Assessor of the district, at least eight days before the return day thereof.

No execution to
issue against Dis-
trict.

(2365.) SEC. 124. No execution shall issue on any judgment against a School District, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

J u d g m e n t s
against District to
be certified to
Supervisor by
Assessor.

(2366.) SEC. 125. Whenever any final judgment shall be obtained against a School District, if the same shall not be removed to any other Court, the Assessor of the district shall certify to the Supervisor of the township, and to the Director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another Court, the Assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

If Assessor fails
to certify, party
may get certifi-
cate from Justice,
or Clerk.

(2367.) SEC. 126. If the Assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators or assigns, to file with the Supervisor the certificate of the Justice or Clerk of the Court rendering the

judgment, showing the facts which should have been certified by the Assessor.

(2368.) SEC. 127. If the district against whom any such judgment shall be rendered, is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the Supervisor of each township in which such district is in part situated.

If District in two or more Townships, Certificate to be made to Supervisor of each.

(2369.) SEC. 128. The Supervisor or Supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes, and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

Supervisors to assess amount of judgment and interest; How collected and returned.

PENALTIES AND LIABILITIES.

(2370.) SEC. 129. Every taxable inhabitant receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for neglecting to serve Notice of First Meeting, etc.

(2371.) SEC. 130. Every person duly elected to the office of Moderator, Director or Assessor of a School District, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on District Officers for neglect, etc.

(2372.) SEC. 131. Every person duly elected or appointed a School Inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on Inspectors for not qualifying or neglecting duty.

(2373.) SEC. 132. If any Board of School Inspectors shall neglect or refuse to make, and deliver to the Township Clerk their annual report to the County Clerk, as required in this chapter, within the time limited therefor, they shall be liable

Board of School Inspectors liable for neglect.

to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the Township Treasurer in the name of the township, in an action of debt, or on the case.

Township Clerk neglecting to transmit Reports, liable for amount lost.

(2374.) SEC. 133. If any Township Clerk shall neglect or refuse to transmit the report mentioned in the preceding section to the County Clerk, as required in this chapter, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

County Clerk neglecting to make Annual Report, liable for amount lost.

(2375.) SEC. 134. Every County Clerk who shall neglect or refuse to transmit the report required in this chapter, to be made by him to the Superintendent of Public Instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the last two preceding sections. x)

Money collected on account of neglect, how disposed of.

(2376.) SEC. 135. All the moneys collected or received by any Township Treasurer under the provisions of either of the three last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner, and in the same proportion, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Removal of Officer for illegal use of Money.

(2377.) SEC. 136. The Township Board of each township shall have power, and is hereby required, to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or School Inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge.

MISCELLANEOUS PROVISIONS RELATING TO PRIMARY SCHOOLS.

Persons paying Taxes in District may send to School, and be rated therein.

(2378.) SEC. 137. Any person paying taxes in a school district in which he does not reside, may send scholars to any district school therein, and such person shall, for that purpose, have and enjoy all the rights and privileges of a resident of such district, except the right of voting therein, and shall be

(x) As Amended by Act 157 of 1860, p. 151, Sec. 8.

rated therein for Teachers' wages and fuel, and in the census of such district, and the apportionment of moneys from the school fund, scholars so sent, and generally attending such school, shall be considered as belonging to such district: *Provided*, That a majority of the qualified voters attending at any regular meeting in the district in which such person resides, shall have determined that no school shall be taught in said district for the year: *Or provided, further*, That such person shall not reside in any organized school district. (y)

(2379.) SEC. 138. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed, or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

When District shall be divided, after Tax assessed and not collected, how Tax collected and apportioned.

(2380.) SEC. 139. For the purpose of apportioning the income of the Primary School Fund among the several townships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the Director is required to be made, but money raised in any one of such townships for the support of schools therein, shall be apportioned to the districts and parts of districts therein, according to the number of children of the proper age in each.

District in two or more Townships, Income of School Fund, how apportioned, etc.

(2381.) SEC. 140. The qualified voters of any school district may, by vote at their annual district meeting, raise by tax upon the taxable property of the district a sum not exceeding one dollar for every scholar in the district between the ages of four and eighteen years, for the support of common schools in the district, and such tax shall be reported to the Supervisor of the proper township, and shall be levied, collected and returned in the same manner as township taxes are levied, collected and returned. (z)

What Tax voters may raise for support of Schools.

(y) As Amended by Act 157 of 1850, p. 151, Sec. 9.

(z) As Amended by Act 206 of 1848, p. 314, Sec. 11.

An Act to Provide for the Graduation of the Price of Tuition in School Districts, and to Amend an Act entitled, "An Act to Enlarge the Powers and Increase the Number of Officers in School Districts in certain cases." Approved March 31, 1849.

[Approved February 18, 1850. Laws of 1850, p. 20.]

Price of Tuition
in School Districts
may be gradu-
ated by Board.

(2382.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the District Board in any school district in which the scholars have been or may be classified as provided in section number ninety-two or ninety-three of chapter number fifty-eight of the Revised Statutes, and the act or acts amendatory thereto, shall have power to graduate the price of tuition according to the studies pursued by the scholars respectively, in such manner as the said board shall deem just.

Rate bills; how
collected in such
case.

(2383.) SEC. 2. The rate bills made out in accordance with the graduation provided for in the preceding section, shall have the same force, and be collected in the same manner, as the rate bills in other cases.

SEC. 3. (aa)

SEC. 4. This act shall take effect immediately.

An Act to Amend the Revised Statutes Relative to the support of Primary Schools, and the Custody of the Township Libraries.

[Approved April 2, 1850. Took effect June 1, 1850. Laws of 1850, p. 362.]

Supervisor liable
for neglect to
assess certain
Taxes.

(2384.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any Supervisor shall neglect or refuse to assess the taxes provided for in section one hundred and seven of chapter fifty-eight of the Revised Statutes, he shall be liable to pay to any school district the full amount lost to such district by such neglect or refusal, with the interest thereon, to be recovered by the Assessor in the name of the school district, in an action of debt, or on the case.

Supervisor to give
statement to
Township Treas-
urer of certain
Taxes.

(2385.) SEC. 2. The Supervisor of each township, on the delivery of the warrant for the collection of taxes to the Township Treasurer, shall also deliver to said Treasurer a written statement, certified by him, of the amount of the taxes levied under section one hundred and seven of said chapter, upon any property lying within the bounds of a fractional

(aa) Amends Subdivision 5 of original Section 92, as above given.

school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said Township Treasurer shall pay to the Township Treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

(2386.) SEC. 3. Each Treasurer of a township, to the clerk Town Treasurer's duties. of which the returns of any fractional school district shall be made, shall apply to the Treasurer of any other township in which any part of such fractional school district may be situate, for any money to which such district may be entitled; and when so received, it shall be certified to the Township Clerk, and apportioned in the same manner as other taxes for school purposes.

(2387.) SEC. 4. The Board of School Inspectors shall have School Inspectors may suspend the operation of a certain Section. power to suspend the operation of section one hundred and fifteen of said chapter, whenever they shall be of opinion that the convenience or the interests of the people of their township will be promoted thereby, and to restore the same, as in Sec. 2367. their judgment they shall think best.

An Act to Extend certain Rights and Privileges to Persons who are Tax Payers, but not qualified Voters in School Districts.

[Approved February 8, 1865. Laws of 1865, p. 44.]

(2388.) SECTION 1. *The People of the State of Michigan enact,* Who shall be qualified voters in School Districts. That the words "qualified voters," as used in chapter fifty-eight of the Revised Statutes of eighteen hundred and forty-six, entitled, "Of Primary Schools," except in the fifth section thereof, shall be taken and construed to mean and include all taxable persons residing in the district, of the age of twenty-one years, and who have resided therein for the period of three months next preceding the time of voting.

(2389.) SEC. 2. In all cases where the Board of School When School Inspectors shall appoint District Officers. Inspectors of any township shall form a school district therein, and where no election for school district officers shall be held, and where any school district shall neglect or refuse to elect, at the proper time, the necessary school district officers, it shall be the duty of the Township Board of School Inspectors of the township in which such district is situated to appoint the officers of such district from among the male persons residing in such district, of the age of twenty-one years, who are tax payers therein; which officers thus appointed shall

Acceptance, severally file with the Director a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the Director.

When District deemed to be organized.

(2390.) SEC. 3. Every such school district shall be deemed duly organized, when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law. (bb)

SEC. 4. This act shall take effect immediately.

An Act to Furnish the Michigan Journal of Education to the School Districts.

[Approved February 14, 1857. Laws of 1857, p. 240.]

Superintendent of Public Instruction to subscribe for Journal of Education for each School District.

(2391.) SECTION 1. *The People of the State of Michigan enact,* That the Superintendent of Public Instruction be, and is authorized to subscribe for one copy of the Michigan Journal of Education, a periodical published under the direction of the Michigan State Teachers' Association, for each school district in this State, to be sent by mail, the postage being prepaid by the publisher, to the Directors of the said districts, the price of such subscription to be sixty cents a year for each copy, and such subscription to begin with the January number of the present year.

Laws relating to Public Instruction to be published in Journal.

(2392.) SEC. 2. All general laws relating to public instruction which shall hereafter be passed in this State, and all general notifications or instructions issuing from the Department of Public Instruction, shall, when directed by the Superintendent of Public Instruction, be published in said Journal of Education, free of charge to the State.

Certificate of Superintendent to be delivered to publisher.

(2393.) SEC. 3. Upon making such subscription, the Superintendent of Public Instruction shall make and deliver to the publisher of said Journal of Education, quarterly, his certificate in writing, stating the number of copies so subscribed for and sent as aforesaid, and the amount due therefor at the time of making such certificate; and the Auditor General, on presentation to him of such certificate, shall draw his warrant upon the State Treasurer for the amount named in said certificate, and said Treasurer is directed to pay the amount

(bb) The object of the second and third Sections of this Act would scarcely seem to be expressed in its title, within the meaning of Sec. 20, Art. 4, of the Constitution.

of the said warrant to the holder thereof, out of any moneys in the Treasury not otherwise appropriated.

An Act to Provide for the Purchase of Copies of Webster's Unabridged Dictionary of the English Language for the Primary Schools of this State.

[Approved February 17, 1857. Laws of 1857, p. 443.]

(2394.) SECTION 1. *The People of the State of Michigan enact,* Superintendent of Public Instruction authorized to purchase Dictionary for Districts.
That the Superintendent of Public Instruction be authorized to purchase such a number of copies of Webster's Unabridged Dictionary of the English Language, at a price not exceeding four dollars per copy, as may be necessary to supply each organized school district, not hereinafter exempted from the provisions of this act, with one copy; and where there is more than one common school in a district, each school and each department thereof shall be furnished with a copy.

(2395.) SEC. 2. The Supervisors of the several townships Supervisors to assess Tax therefor.
in this State shall assess upon the taxable property of each school district, not exempted from the provisions of this act, a sum of money sufficient to supply each school and each department thereof with one copy, at the price hereinbefore mentioned; and the said tax shall be collected and returned to the State Treasury in the same manner as other State taxes.

(2396.) SEC. 3. Each school district in this State shall, at its next annual meeting, determine by vote whether it will avail itself of the provisions of this act; and every district which shall decide to obtain a copy of said Dictionary shall give immediate notice to the Supervisor of the township in which said school district is located; or if a fractional district, said notice shall be given to the Supervisor of the township in which the school house of such district is situated; and every Supervisor thus notified shall, within thirty days thereafter, make his order on the Superintendent of Public Instruction for such number of copies of said Dictionaries as may have been thus ordered. Any school district which shall neglect to vote upon this subject at its next annual meeting, or which shall decide not to order such Dictionary, may vote at its annual meeting in eighteen hundred and fifty-eight whether it will order such Dictionary or not.

(2397.) SEC. 4. Upon the return of the tax, as hereinbefore provided, into the State Treasury, and upon the presentation of a certificate from the Superintendent of Public Instruction of the number of copies of said Dictionary purchased by him Auditor General to draw his Warrant for amount named in Certificate of Superintendent.

in pursuance of this act, and the sum due therefor, the Auditor General shall draw his warrant upon the State Treasurer for the amount named in said certificate; and the State Treasurer is directed to pay the amount to the holder of said warrant, out of the money collected as hereinbefore provided.

Superintendent
to forward copies
of this Act to
School Districts.

(2398.) SEC. 5. The Superintendent of Public Instruction shall, immediately on the passage of this act, cause a copy to be forwarded to each School Director in the several school districts of this State.

An Act for the Relief of School Districts.

[Approved February 7, 1855. Laws of 1855, p. 38.]

Voters may
designate site for
School House by
two-thirds vote.

(2399.) SECTION 1. *The People of the State of Michigan enact,* That the qualified voters in any School District, having more than three hundred children between the ages of four and eighteen years residing in such district, shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school houses, including a site for a Union School House, and to change the same by a similar vote, at any regular meeting: *Provided,* That the whole number of sites or school houses in any one district shall not exceed five: *Provided, further,* That in case two-thirds cannot agree upon a site for said school house, that a majority of the voters of said district shall have power to instruct the District Board to locate said site.

When District
Board may design-
ate site.

Compensation for
site, how ascer-
tained.

(2400.) SEC. 2. Whenever a site for a school house shall be designated, determined or established, in any manner provided by law, in any School District, and such district shall be unable to agree with the owner of such site upon the compensation to be paid therefor, or in case such district shall, for any cause, be unable to purchase or procure a title to such site, the District Board of such district may authorize any one or more of its members to apply to the Circuit Judge, if there be one in the county, or to a Circuit Court Commissioner of the county, or to any Justice of the Peace of the city or township in which such School District shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such School District for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate. .

(2401.) SEC. 3. It shall be the duty of such Circuit Judge, ^{Jury to be summoned.} Circuit Court Commissioner, or Justice of the Peace, upon such application being made to him, to issue a summons or venire, directed to the Sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in nowise of kin to the owner of such real estate, and not interested therein, to appear before such Judge, Commissioner or Justice, at the time and place therein named, not less than twenty, nor more than thirty days from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such School District for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he ^{Owner to be notified.} can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which said jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear, as hereinbefore mentioned.

(2402.) SEC. 4. Thirty days' previous notice of the time ^{Notice in cases where Owner is unknown.} when, and the place where such jury will assemble, shall be given by the District Board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the District Board, or by the Director or Assessor of such district, and shall describe the real estate required for such site, and state the time when, and place where such jury will assemble, and the object for which they will assemble, or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

(2403.) SEC. 5. It shall be the duty of such Judge, Commis- ^{Return of venire, and the proceedings thereon.} sioner or Justice, and of the persons summoned as jurors, as hereinbefore provided, and of the Sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or venire to the officer who issued the same, with the names of the persons summoned by

him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found, and if he could not be found in said county, he shall certify that fact; either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the Sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire or attachment, as Courts of Record or Justice's Court are authorized to do in civil cases.

Attachment may
issue to enforce
obedience to
process.

Jury to be sworn.

(2404.) SEC. 6. The twelve persons selected as the jury shall be duly sworn by the Judge, Commissioner or Justice in attendance, faithfully and impartially to inquire, ascertain and determine, the just compensation to be made for the real estate required by such School District for such site, and the necessity for using the same in the manner proposed by such School District, and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued, and their attendance compelled by such Circuit Judge, Commissioner or Justice, in the same manner as may be done by the Circuit Court or by Justice's Court in civil cases. The jury

Subpœna for
witnesses.

Jury to determine
necessity for tak-
ing Land, and
compensation
therefor.

may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such School District, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such School District, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school house for such district; also stating the sum to be paid by such School District as the just compensation for the same. The said Circuit Judge, Circuit Court Commissioner, or Justice of the Peace, shall sign and attach to, and endorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when

Court to make
Certificate.

and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate; he shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the Director, or to any member of the District Board of such School District.

(2405.) SEC. 7. Upon filing such certificates in the Circuit Court of the county where such real estate is situated, such Court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such School District, which judgment shall be collected and paid in the manner as other judgments against School Districts are collected and paid. Judgment; collection thereof.

(2406.) SEC. 8. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said School District to deposit the amount of such judgment with the County Treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such County Treasurer to receive such money, and at the time of receiving it to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such County Treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such County Treasurer, except upon an order of the Circuit Court, Circuit Court Commissioner, or Judge of Probate, as hereinafter provided. When Owner is unknown, etc., Money to be deposited with County Treasurer. How to be drawn from County Treasurer.

(2407.) SEC. 9. Upon satisfactory evidence being presented to the Circuit Court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding section, such Court shall, by an order or decree, adjudge and determine, that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such School District and its assigns; a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the Register of Deeds of such county, and the title of such real estate shall thenceforth, from the On payment, Court may decree that Title be vested in School District.

time of making such payment or deposit, be vested forever thereafter in such School District and its assigns in fee.

When District to take possession.

(2408.) SEC. 10. Such School District may, at any time after making the payment or deposit hereinbefore required, enter upon, and take possession of such real estate, for the use of said district.

When Jury cannot agree, proceedings may be adjourned, and new Jury summoned.

(2409.) SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the Judge, Commissioner, or Justice, may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to; such proceedings may be adjourned from time to time by the said Judge, or Commissioner, or Justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

Adjournments not to exceed three months.

District Board may fix amount of Tuition to be paid by Scholars in certain cases.

(2410.) SEC. 12. The District Board of any School District shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a Union School in any such district, to be paid by scholars attending such Union School, and to make and enforce suitable by-laws and regulations for the government and management of such Union School, and for the preservation of the property of such district. Such District Board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

How boundaries of District altered.

(2411.) SEC. 13. No alteration shall be made in the boundaries of any School District having a Union School, without the written consent of a majority of the District Board of such district.

Districts having three hundred children between four and eighteen years, may borrow Money.

(2412.) SEC. 14. Any School District having more than three hundred children, between the ages of four and eighteen years, residing in such district, shall have power and authority to borrow money to pay for a site for a Union School House, to erect buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district present any annual meeting, and by a like vote at any other regular

meeting: *Provided*, That the times of holding such meetings shall not be less than five days, nor more than six months apart, and that the whole debt of any such district, at any one time, for money thus borrowed, shall not exceed fifteen thousand dollars.

(2413.) SEC. 15. The Circuit Judge, Judge of Probate, or Circuit Court Commissioner of any county where any money has been deposited with the County Treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the County Treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such County Treasurer, on the presentation of such order, with the receipt of the person named therein endorsed on said order, and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all Courts and places, be presumptive evidence in favor of such County Treasurer, to exonerate him from all liability to any person or persons for said money thus paid [by] him.

Limitation of amount.

How Money deposited with County Treasurer may be drawn from him.

(2414.) SEC. 16. Circuit Judges, Circuit Court Commissioners, and Justices of the Peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings; jurors, constables and Sheriffs, shall be entitled to the same fees as for like services in civil cases in the Circuit Court.

Compensation of Officers and Jurors on proceedings to obtain site for School House.

(2415.) SEC. 17. In case any Circuit Judge, Circuit Court Commissioner, or Justice of the Peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings, in such case, any other Circuit Court Commissioner or Justice of the Peace may attend and finish such proceedings.

When Judge or Justice unable to attend, another may finish proceedings.

(2416.) SEC. 18. Whenever any School District shall have voted to borrow any sum of money, the District Board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the Moderator and Director of such district, and in such sums, not less than fifty dollars, as such District Board shall direct, and with such rate of interest, not exceeding ten per centum per

Bonds may be issued for Money Loaned.

Interest thereon. annum, and payable at such time or times as the said district shall have directed.

District may raise
Tax to pay Loan.

(2417.) SEC. 19. Whenever any money shall have been borrowed by any School District, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other School District taxes are collected.

SEC. 20. This act shall take effect immediately. (cc)

CHAPTER LXXIX.

OF REPORTS FROM INCORPORATED ACADEMIES, AND OTHER LITERARY INSTITUTIONS.

SECTION 2418. Report to be made to Superintendent of Public Instruction ; Contents of Report.

An Act requiring certain Returns to be made from Incorporated Academies, and other Literary Institutions.

[Approved March 4, 1839. Laws of 1839, p. 15.]

Report to be
made to Superin-
tendent of Public
Instruction.

(2418.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the President of the Board of Trustees of every organized Academy, or literary or collegiate institution, heretofore incorporated or hereafter to be incorporated, to cause to be made out by the principal Instructor, or other proper officer, and forwarded, by mail or otherwise, to the office of the Superintendent of Public Instruction, between the first and fifteenth days of December, in each year, a report, setting forth the amount and estimated value of real estate owned by the Corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of

Contents of Re-
port.

(cc) For Laws relative to Free Schools in the City of Detroit, see Laws of 1842, p. 112 ; 1843, p. 22 ; 1846, p. 101 ; 1847, p. 60 ; 1850, p. 60 ; 1856, p. 3 ; 1857, p. 163.

Instructors, the number of students in the different classes, the studies pursued, and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the President or Principal of such Academies or Institutes, to enable the Superintendent of Public Instruction to lay before the Legislature a fair and full exhibit of the affairs and condition of said institutions.

CHAPTER LXXX.

OF TEACHERS' INSTITUTES.

SECTION

2419. When Superintendent to appoint and make arrangements for Institute.

2420. Money for expenses, how to be drawn and to what amount.

SECTION

2421. Superintendent may appoint suitable persons to make arrangements for the same;

Limitation as to Moneys that may be drawn.

An Act to Establish Teachers' Institutes.

[Approved Feb. 10, 1855. *Laws of 1855*, p. 137.]

(2419.) SECTION 1. *The People of the State of Michigan enact,* That whenever reasonable assurance shall be given to the Superintendent of Public Instruction that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five Teachers of common schools shall desire to assemble for the purpose of forming a Teacher's Institute, and to remain in session for a period of not less than ten working days, said Superintendent is authorized to appoint a time and place for holding such Institute, to make suitable arrangements therefor, and to give due notice thereof.

(2420.) SEC. 2. For the purpose of defraying the expenses of rooms, fires, lights, attendance, or other necessary charges, and for procuring Teachers and lecturers for said Institute, the Auditor General shall, upon the certificate of the Superinten-

When Superintendent to appoint and make arrangements for Institute.

Money for expenses, etc., how to be drawn, and to what amount.

dent of Public Instruction, that he has made arrangements for holding such Institute, draw his warrant upon the State Treasurer for such sum as said Superintendent shall deem necessary for conducting such Institute, which sum shall not exceed two hundred dollars for any one Institute, and shall be paid out of the general fund.

Superintendent
may appoint
suitable persons
to make arrange-
ments for the
same.

(2421.) SEC. 3. Said Superintendent, in case of inability personally to conduct any Institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the Treasury in any one year, to meet the provisions of this act.

Limitation as to
Moneys that may
be drawn.

This act shall take effect immediately.

TITLE XIX.

OF THE PUBLIC LANDS, AND THE SUPERINTEN- DENCE AND DISPOSITION THEREOF; OF THE INTEREST OF THE STATE IN MINES AND MINERALS.

CHAPTER LXXXI. Of the State Land Office, and the Officers connected therewith.

CHAPTER LXXXII. Of the Superintendence and Disposition of the Public Lands.

CHAPTER LXXXIII. Of the Interest of the State in Mines and Minerals.

CHAPTER LXXXI.

OF THE STATE LAND OFFICE, AND THE OFFICERS CONNECTED THEREWITH.

SECTION

2422. State Land Office.

2423. Commissioner of the State Land Office.

SECTION

2424. His Salary.

2425. Deputy and Clerk, and their Salaries.

SECTION

2426. Deputy and Clerk to take Oath; Commissioners responsible for their acts.
 2427. Commissioner to keep Record of Sales, etc.
 2428. Commissioner to have charge of Lands.
 2429. Annual Report of Commissioner.
 2430. Land Office re-established.
 2431. Certain Acts revived.
 2432. Office to remain at Lansing.
 2433. No Bond required of Commissioner; State Treasurer to receive Money.
 2434. Accounts for expenses of office, etc., to be audited by State Auditors upon Certificate of Commissioner.
 2435. Purchasers of Trust Fund Lands may pay Money to County Treasurer; County Treasurer to give receipt.

SECTION

2436. County Treasurer to give Bond.
 2437. Duplicate receipts to be made; One to be deposited with County Clerk.
 2438. Duty of County Clerk with respect thereto.
 2439. Commissioner of Land Office to furnish Treasurer with blank Bond.
 2440. Statement of Moneys due, etc., to be sent by Commissioner to County Treasurer, with Instructions and Blanks.
 2441. County Treasurer to pay over Moneys to State Treasurer, etc.
 2442. Compensation of County Treasurer for receiving Moneys.
 2443. Certain enactments repealed.

Chapter Fifty-Nine of Revised Statutes of 1846.

(2422.) SECTION 1. The State Land Office established in the village of Marshall, in the county of Calhoun, shall be continued at the place aforesaid, until otherwise provided by law. (a)

(2423.) SEC. 2. The chief officer of the Land Office shall be called the Commissioner of the Land Office, and shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified. (b)

(2424.) SEC. 3. The Commissioner of the Land Office shall receive an annual salary of one thousand dollars, payable quarter yearly. (c)

SEC. 4, 5. (d)

(2425.) SEC. 6. The said Commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office shall require it; such deputy shall receive an annual salary of six hundred dollars, and such clerk shall receive an annual salary not exceeding five hundred dollars, payable quarter yearly. (e)

(2426.) SEC. 7. Said deputy and clerk shall severally, before entering upon the duties of their office, take and subscribe the Constitutional oath of office, and cause the same to be filed with the Secretary of State, and the Commissioner may

(a) See Sec. 1 of Art. 8 of Constitution, and the Act of Feb. 13, 1855, following.

(b) The portion in *Italics* abrogated by Sec. 1 of Art. 8 of Constitution.

(c) Salary reduced to \$900 by Art. 9 of Constitution.

(d) These Sections related to the giving of an official bond by the Commissioner, and are repealed by Section 2 of the Act of Feb. 13, 1855, following.

(e) As Amended by Act 130 of 1861. Laws of 1861, p. 166.

remove them, or either of them, at his pleasure, and the said Commissioner and his sureties shall be responsible for their official acts.

Commissioner to
Keep Record of
Sales, etc.

(2427.) SEC. 8. The Commissioner shall keep a record of the sales of lands, and of the moneys received by him on account either of principal or interest, the date of such sale or payment, the description of the lands sold, with the number of acres thereof, and the name of each purchaser, or person paying such moneys, to whom he shall give a receipt for such moneys, and shall credit the proper fund therewith. (f)

SEC. 9, 10. (g)

Commissioner to
have charge of
Lands.

(2428.) SEC. 11. The said Commissioner shall have the general charge and supervision of all lands belonging to the State, or which may hereafter become its property, and also of all lands in which the State has an interest, or which are or may be held in trust by the State for any purpose mentioned in this title, and may superintend, lease, sell, and dispose of the same in such manner as shall be directed by law.

Annual Report of
Commissioner.

(2429.) SEC. 12. He shall annually make a report to the Legislature of his official proceedings, showing the quantity of land sold or leased, and the amount received therefor; the amount of interest moneys received to the credit of the several funds, and all such other matters relating to his office as he may think proper to communicate.

SEC. 13, 14, 15, 16, 17. (h)

An Act to Amend an Act to Provide for the Removal of the State Land Office to the Seat of Government, and to Revive Certain Laws Relative to the same. (i)

[Approved April 1, 1850. Laws of 1850, p. 216.]

Section 5 of Act
No. 217 of 1849,
repealed.

(2430.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section five of an act to provide for the removal of the State Land Office to the Seat of Government, approved March 31, 1849, be and the same is hereby repealed; and the office denominated "The Land Office of the State of Michigan," in the act entitled, "An Act to organize a Land Office, and to regulate the Sale of the Public Lands," approved March 6, 1843, (j) be and the

Land Office re-
established.

(f) See Section 2 of the Act of February 13, 1855, following.

(g) Abrogated by Section 2 of the Act of February 13, 1855.

(h) These Sections provided for the appointment of a Recorder of the Land Office, and specified his duties. The office was abolished by the Act of March 31, 1849. Laws of 1849, p. 208.

(i) See the Act next following, which revives the Act here amended.

(j) The Act of March 6, 1843, was repealed by the Revised Statutes of 1846.

same is hereby re-established, the chief officer of which shall be called the Commissioner of the Land Office, as provided for in said last mentioned act.

(2431.) SEC. 2. All the laws relative to the State Land Office Acts revived. which were in force at the time when the act to which this is amendatory took effect, not contravening the provisions of this act, or the act to which this is amendatory, are hereby revived, and shall be, after the passage of this act, in full force.

SEC. 3. (k)

SEC. 4. This act shall take effect from and after its passage.

An Act to Revise an Act entitled, "An Act to Provide for the Removal of the State Land Office to the Seat of Government," Approved March 31st, 1849.

[Approved February 13, 1855. Laws of 1855, p. 349.]

(2432.) SECTION 1. *The People of the State of Michigan enact,* Office to remain at Lansing. That the State Land Office shall be, and remain where now established, at Lansing.

(2433.) SEC. 2. No official bond shall hereafter be required No Bond required of Commissioner. of the Commissioner of the State Land Office, and all moneys heretofore required to be received by him shall hereafter be received by the State Treasurer (except as herein provided), State Treasurer to receive Moneys. who shall in all cases give receipts for the same, which receipts shall be countersigned by the Auditor General, as in other cases.

(2434.) SEC. 3. All accounts for the incidental expenses of Accounts for expenses of office, etc., to be audited by State Auditors upon Certificate of Commissioner. said office, for surveys of lands, for necessary maps, plats or charts, improvements at Lansing, and all other accounts and charges heretofore allowed and paid by the Commissioner, shall hereafter be audited by the Board of State Auditors, on the certificate of the Commissioner, and when so audited and allowed, shall be paid from the State Treasury, on the warrant of the Auditor General, drawn against the proper fund.

(2435.) SEC. 4. The purchasers of any of the Trust Fund Purchasers of Trust Fund Lands may pay Money to County Treasurer. Lands, their assignees, agents or attorneys, may pay to the Treasurer of the county in which such lands lie, any amount which may be due from time to time on their several certificates, either for principal, interest, or penalty, and for the amount so paid the said County Treasurer shall give to such County Treasurer to give receipt, etc. person his receipt, specifying the amount paid, date of etc.

payment, whether for principal, interest or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the clerk of said county, and when so given and countersigned, shall have the same force and effect as if given by the State Treasurer.

County Treasurer
to give Bond.

(2436.) SEC. 5. Before any County Treasurer shall receive moneys authorized to be paid to him by the preceding section, he shall execute and give to the State a bond, with good and sufficient sureties, in an amount to be fixed by the Commissioner of the State Land Office, not less than double the sum liable to come into his hands by virtue of this act, which bond shall be conditioned for the honest and faithful discharge of all trusts and responsibilities imposed by this act; the sureties to be approved by the Judge of Probate and Register of Deeds of their respective counties.

Duplicate re-
ceipts to be
made.

(2437.) SEC. 6. That the said County Treasurer shall, in each and every case, issue duplicate receipts for all moneys received by him under the provisions of this act, one of which he shall, without delay, deposit with the County Clerk.

One to be de-
posited with
County Clerk.

Duty of County
Clerk with re-
spect thereto.

(2438.) SEC. 7. The County Clerk, on receiving any such duplicate receipts, shall note on the back of each the date of receiving the same, and shall also enter, in a book to be procured by him at the expense of the county, the amount for which each of such receipts was given, and whether the same was for principal, interest or penalty, or either, specifying the amount of each, the number of the certificate on which the same was paid, the name of the person to whom the same was issued, the name of the fund to which the money belonged, and the date of each receipt; and on the first Monday in each and every month, the said clerk shall carefully enclose and forward all such duplicate receipts to the Commissioner of the State Land Office, as he shall direct.

Commissioner of
Land Office to
furnish Treasurer
with blank Bond.

(2439.) SEC. 8. The Commissioner of the State Land Office shall, on or before the first day of February, transmit to each County Treasurer to whom moneys may be paid under this act, a blank bond, with the penal sum fixed as provided by the fifth section of this act, which bond the said Treasurer shall execute and procure to be approved as hereinbefore provided, and return the same without unnecessary delay to the said Commissioner, who shall file and carefully preserve the same in his office.

(2440.) SEC. 9. On or before the first day of March, in each and every year, the Commissioner shall cause to be made out, and shall transmit to such County Treasurers as have filed their bonds with him, properly executed and approved, a statement showing the classes of lands sold in that county, the number of the certificate of purchase, the name of the person to whom each certificate was issued, and the amount of both principal and interest due on each, on the first day of March; and the said Commissioner shall also transmit such directions and instructions, and blanks, as shall enable the said County Treasurers to carry out the provisions of this act.

Statement of
Moneys due, etc.,
to be sent by
Commissioner to
County Treasurer
with instructions
and blanks.

(2441.) SEC. 10. All moneys received by the County Treasurers under the provisions of this act, shall be held at all times subject to the order and direction of the State Treasurer, for the benefit of the funds to which such moneys respectively belong; and on the first day of May in each year, and at such other times as he may be required so to do by the said State Treasurer, each County Treasurer shall pay over to the State Treasurer all moneys he may have received on account of such funds.

County Treasurer
to pay over
Moneys to State
Treasurer.

(2442.) SEC. 11. The several County Treasurers who receive money under the provisions of this act, are hereby authorized to charge each person to whom they may give a receipt, or of whom they may receive money, two per cent. on the amount they may receive from each person, which shall be in full for all services rendered under this act.

Compensation of
County Treasurer
for receiving
Moneys.

(2443.) SEC. 12. Act No. 217, approved March 31st, 1849, entitled, "An Act to Provide for the Removal of the State Land Office to the Seat of Government," and Section three of act No. 214, approved April 1st, 1850, entitled, 'An Act to Amend an Act to Provide for the Removal of the State Land Office to the Seat of Government, and to revive certain laws relative to the same,' are hereby repealed.

Certain enact-
ments repealed.

1849, p. 268.
1850, p. 216.

This act shall take immediate effect, except the ninth section thereof.

CHAPTER LXXXII.

OF THE SUPERINTENDENCE AND DISPOSITION OF THE
PUBLIC LANDS.

UNIVERSITY AND SCHOOL LANDS.

SECTION

2444. Minimum prices of University and School Lands; to be first offered at Public Auction.
2445. Terms of payment.
- 2446, 2447. Certificate of purchase, what to contain.
2448. When twenty per cent. of principal paid, purchaser may pay balance of principal at any time thereafter at his option; Interest on unpaid principal, when paid.
2449. When Commissioner may take possession and resell.
2450. Commissioner may require security of purchaser.
2451. Patents, how issued, and to whom.
2452. Fee of Land.
2453. Commissioner may recover amount due for which security is given.
2454. Improved Lands, how Sold.
2455. Commissioner may lay off tracts into small lots, and sell them; Appraisal.
2456. Appraisers to be sworn, and make Appraisal and return.
2457. Lots to be sold at Appraised value, and not below Minimum price.
2458. When Lands may be withheld from Sale.
2459. Forfeited Lands to be offered at Auction; Minimum price of Improved Lands.
2460. Sale, when held, how notified.
2461. Rights of purchasers, etc., under Certificate; Certificates may be Recorded.
2462. Payments to State Treasurer on Certificates.
2463. Redemption of rights forfeited by purchaser.
2464. Lists of forfeited Lands, and unsold Lands improved, to be sent to County Clerks, etc.
2465. Supervisor to Appraise improvements; Provision.
2466. On return of Appraisal, Commissioner to fix price.

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2467. Price of unimproved University Lands.
2468. Leasing of improved Lands.
2469. Commissioner may cause necessary Surveys to be made.

STATE BUILDING LANDS.

2470. Minimum price of State Building Lands.
2471. Terms and conditions of Sale.

STATE SALT SPRING LANDS.

2472. Minimum price of Salt Spring Lands.
2473. Terms and conditions of Sale.
2474. Lands to be first offered at Public Auction.
2475. Certain portions not to be Sold.
2476. When tracts to be laid off into Village Lots, etc., and how Minimum price established.
2477. Moneys received on Sale to be credited to General Fund.

INTERNAL IMPROVEMENT LANDS.

2478. Price of Internal Improvement Lands; To be first offered at Public Auction.
2479. Not to be Sold for less than the Minimum price.
2480. Lands obtained in payment of debts, etc., how Appraised and Sold.
2481. When subject to Private Sale.
2482. On the Sale, Certificate to be given, what to contain.
2483. Kind of Funds received, to be endorsed on Certificate.
2484. Notice of Public Sale, how to be given.
2485. Commissioner to transmit to Governor a statement of Certificates issued, once in three months.
2486. Governor to issue Patents, and deposit the same with Secretary of State.
2487. Patent not to issue unless Title of State is perfect.
2488. Secretary not to deliver Patent, until Certificate is surrendered, unless lost or destroyed.

SECTION

2489. Certificate evidence of Title for certain purposes.

2490. What may be received in payment.

MISCELLANEOUS PROVISIONS.

2491. Commissioner to have custody of books and papers relating to Lands.

2492. Maps to be furnished for Land Office.

2493. Lists of Lands Sold to be sent to County Treasurer annually.

2494. Map of Village Lots to be Recorded.

2495. Lists to be furnished to Supervisors by County Treasurer.

2496. Registers to Record Patents; effect of Record.

2497. Incidental Expenses of Land Office, how allowed and paid.

2498. Sale made by mistake, etc., to be void, and Money to be refunded, on surrender of Certificate.

2499. Assignees of purchasers, their rights and liabilities.

2500. In what parcels Land to be Sold.

2501. New Certificates may be issued in certain cases.

2502. Damages recovered to be paid over for benefit of proper Fund.

2503. Trespass, etc., on Public Land, a misdemeanor, and how punished.

2504. Courts to charge Grand Jury specially.

2505. Willful trespasser liable in treble damages; casual, etc., in single damages.

2506. Persons holding possession without authority, liable to action of forcible entry and detainer, etc.

2507. Prosecuting Attorney to report trespasses to Commissioner, and prosecute when directed.

2508. Prosecuting Attorney to give legal opinion.

2509. Seal of Land Office.

2510. Certain obligations receivable for University Lands.

2511. Limitation of amount.

2512. Amount received to be credited to University Fund quarterly.

2513. Fund relieved from payment of Interest on same amount of Stock, etc.

2514. Seal, evidence of execution of Certificate.

2515. Governor may issue Patents to Assignees.

2516. When Patents to be issued in name of deceased person.

2517. When purchaser or Assignee shall have died before issuing of Patent, Executor, etc., may sell Certificate.

2518. Issue of Patents in certain cases regulated.

2519. Commissioner to issue New Certificates in certain cases.

2520. Endorsements of credits on New Certificates.

2521. Applicant for New Certificate to present Affidavit of Supervisor; Other evidence.

2522. Commissioner to report to Secretary of Board of Regents.

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2523, 2524, 2525. Annual Report to Regents thereafter.

2526. Regents entitled to copy of Statutes.

2527. Commissioner to issue New Certificates for Normal School Lands in certain cases.

2528. Proceedings necessary to procure New Certificates.

2529. Certain State Officers to be a Board for examination of claims growing out of Sales of School Lands, etc.

2530. Meetings of Board for examination and adjustment of claims.

2531. Applicants and Witnesses to be examined on oath.

2532. Certain Resolution repealed.

2533. Report of Board.

2534. Award of Board upon claims; State Officers to carry award into effect.

2535. Bonds, etc., for Loans from University and School Funds to be delivered to Board for settlement.

STATE SWAMP LANDS.

2536. Moneys or Land Warrants received by the General Government for Swamp Lands donated to the State to be received, and interest of the State in the Lands released.

2537. Right of pre-emption secured to occupant of Swamp Lands; Limitation of claim thereto.

2538. Notes of Surveys in Surveyor General's Office adopted as basis for receiving Swamp Lands.

2539. Swamp Lands only to be Sold in legal subdivisions.

2540. Commissioner of State Land Office to procure books, maps, etc., for his office.

2541. Commissioner of State Land Office to have supervision and disposition of Swamp Lands.

2542. How Lands may be sold, and at what price.

2543. Notice of Public Sale.

2544. Payments by Purchaser; Bid to be void if payment not made.

2545. Purchaser to take Land subject to obligations imposed upon State by Congress.

2546. Terms of payment.

2547. Certificate of Sale; Patents.

2548. Provisions of Law applicable to Public Lands to apply to Swamp Lands.

2549. Proceeds of Sale, how disposed of.

2550. Lands heretofore purchased, may be surrendered to State.

2551. Sales heretofore made, and not surrendered, confirmed.

2552. Repeal of contravening Acts.

2553. Purchasers from United States of State Swamp Lands, whose purchases have been canceled, may purchase from the State; Rights of pre-emption secured to occupants.

Chapter Sixty of Revised Statutes of 1846.

UNIVERSITY AND SCHOOL LANDS.

Minimum price of University and School Lands; to be first offered at public auction.

(2444.) SECTION 1. The minimum price of the unsold and unimproved University Lands shall be twelve dollars per acre, and the minimum price of the unsold and unimproved School Lands shall be four dollars per acre; but no such lands shall be otherwise sold until they shall once have been offered for sale at public auction, and no such lands shall be sold for less than the aforesaid prices respectively, nor shall any Treasury Notes or Warrants be received for University Lands hereafter forfeited to the State.

1844, p. 82, etc.

Terms of payment.

(2445.) SEC. 2. The terms of payment on the sale of University and School Lands shall be twenty-five per centum of the purchase money, to be paid at the time of the purchase, the balance of the principal at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent. per annum on the unpaid balance, payable on the first day of March, or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase. (a)

Certificate of purchase, what to contain.

(2446.) SEC. 3. At the time of the sale of any such lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof a certificate, in which the said Commissioner shall, in the name of the People of this State, certify the description of land sold, the quantity thereof, and the price per acre, the consideration paid and to be paid therefor, and the time and terms of payment.

Ibid.

(2447.) SEC. 4. The said certificate shall further set forth, that in case of the non-payment of the interest due, by the first day of March, or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall, from the time of such failure, be utterly void and of no effect, and the said Commissioner may take possession thereof, and resell the same as is hereinafter provided. (a)

When twenty per cent. of principal paid, purchaser may pay balance of principal at

(2448.) SEC. 5. Any purchaser of University or School Lands, his heirs or assigns, who shall have paid on or before the first day of March, one thousand eight hundred and forty-

two, a sum equal to twenty per cent. of the purchase money on his certificate, together with the interest up to said day; and any person who shall have become such purchaser since the thirteenth day of April, in the year one thousand eight hundred and forty-one, his heirs or assigns, who shall have paid according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option; but in all cases the interest on the unpaid balance of principal shall be paid on or before the first day of January, or within sixty days thereafter, in each and every year; and any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person whose right, title and interest was sold by virtue of such execution or mortgage. (b)

any time thereafter at his option.

Interest on unpaid principal, when paid.

(2449.) SEC. 6. In case of non-payment, either of principal or interest, when due, according to the provisions of the preceding section, or according to the terms of the certificate of sale, as the case may be, such certificate shall become void and of no effect from the time of such failure, and the Commissioner may take immediate possession thereof and resell the same.

When Commissioner may take possession and resell.

(2450.) SEC. 7. The said Commissioner shall, whenever in his opinion the interest of the State will not be secured by the payment in this chapter required to be made at the time of the purchase, require of the purchaser such security for the payment of any moneys to become due, and payable according to the terms of the certificate of purchase, as in his judgment will secure the respective funds against loss.

Commissioner may require security of Purchaser.

(2451.) SEC. 8. The Governor of the State shall sign and cause to be issued patents for said lands as described in the certificates of sale, whenever the same shall be presented to him, with the further certificate of the Commissioner endorsed thereon, that the whole amount of principal and interest specified therein has been paid according to law, and that the holder of the certificate of purchase is entitled to a patent of the lands described therein; and the Governor shall in like manner sign and cause to be issued patents of said lands to any purchaser of the right, title and interest of the original pur-

Patents, how issued, and to whom.

3 Mich. Rep. 500.

(b) As Amended by "An Act to Amend Chapter Sixty, Title Twelve, of the Revised Statutes," Approved April 4, 1851; in force from July 8, 1851. Laws of 1851, p. 84. This Section had been amended in 1847, by substituting *March* for *January*, to correspond with Sections 2 and 4, as amended; and restoring the word *January* here, was probably an oversight.

chaser, his heirs or assigns, at an execution or mortgage sale, upon the presentment to him of the certificate of the Commissioner that the whole amount of principal and interest due thereon has been paid according to law, and that such purchaser at execution or mortgage sale is entitled to a patent for the lands described in such certificate. (c)

Fee of Land.

(2452.) SEC. 9. The fee of each and every parcel of the said lands shall be, and remain in the State until patents shall issue for the same respectively, upon full payment as aforesaid; and in case of a non-compliance by the purchaser, his heirs or assigns, with the terms of the certificate as aforesaid, or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands, after a failure to comply with the terms of the certificate as aforesaid, or with such provisions of law as aforesaid, without a written permission of the Commissioner of the Land Office, shall be deemed and held to detain such lands forcibly, and without right, and to be trespassers thereon.

Commissioner may recover amount due for which security is given.

(2453.) SEC. 10. In all cases where security has been taken from the purchaser, pursuant to the provisions of the seventh section of this chapter, the Commissioner shall have power to sue for and recover all such sums as may become due and payable, for which such security was given.

Improved Lands, how sold.

(2454.) SEC. 11. All the improved portions of the University, and School Lands remaining unsold, shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall have been appraised as provided in this chapter.

Commissioner may lay off tracts into small lots, and sell them.

(2455.) SEC. 12. Whenever either the University or School Fund will, in the opinion of the Commissioner, be improved by laying off any section or tract of University or School Lands into small parcels, or village lots, the said Commissioner may cause the same to be done, and may sell the same at the respective minimum prices established in this chapter; or if in his opinion any of such parcels or lots exceed in value such prices, he shall cause the same to be appraised by three disinterested freeholders of the county in which such parcels or lots are situated.

Appraisal.

Appraisers to be sworn, and make appraisal and return.

(2456.) SEC. 13. Such freeholders shall be appointed by the Commissioner, and after being first duly sworn so to do, shall

appraise the several parcels or lots directed by said Commissioner to be appraised by them, at their true value respectively, and shall make a return of such appraisement duly certified by them, to the Commissioner.

(2457.) SEC. 14. All parcels or lots so appraised shall be subject to sale in the same manner, and upon the same terms and conditions, and the certificates of purchase shall have the same effect, as in the case of other University or School Lands, according to the provisions of this chapter, at the prices at which the same were severally appraised, until a new appraisal shall be made, which the Commissioner may, in his discretion, cause to be had in the manner aforesaid, and with the like effect; but no lots or parcels so appraised shall be sold for less than the minimum price of said lands established in this chapter.

Lots to be sold at appraised value, but not below minimum price.

(2458.) SEC. 15. The said Commissioner may also, in his discretion, reserve and withhold from sale, such portions of the University and School Lands as in his opinion it may not be advantageous to sell and dispose of, and for so long a time as in his opinion will be most beneficial to the several funds affected thereby.

When Lands may be withheld from sale.

(2459.) SEC. 16. All University and School Lands which have been, or may be forfeited by the non-payment of either principal or interest, and which have not been offered at public auction after forfeiture, before the same shall be subject to private entry, shall be reoffered for sale at public auction, and the minimum price of all portions or tracts upon which improvements shall have been made, shall be such as shall be determined by the Commissioner in the manner hereinafter in this chapter provided.

Forfeited Lands to be offered at auction.

Minimum price of improved Lands.

(2460.) SEC. 17. The sale of such forfeited lands shall be held at such times and places as shall be designated in a notice containing a description of the lands so forfeited, which notice shall be published once in each week at least four weeks successively before the time of sale, in a newspaper printed in the county where the lands are situated, if there be one, if not, then in a newspaper printed in an adjoining county, if there be one, and if there be none printed in an adjoining county, then in such newspaper as the Commissioner shall designate.

Sale, when held how notified.

(2461.) SEC. 18. Certificates of purchase issued pursuant to the provisions of law, shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient

Rights of purchasers, etc., under Certificate.

evidence of title to enable the purchaser, his heirs or assigns' to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Certificates may be recorded.

Payments to State Treasurer on Certificates.

(2462.) SEC. 19. Any purchaser of University or School Lands may pay to the State Treasurer the amount due on his certificate of purchase, whether principal or interest, and for the amount paid the Treasurer shall give his receipt, which shall be countersigned by the Auditor General; and a statement of all such payments shall be transmitted by said Treasurer to the Commissioner of the Land Office on or before the first Monday of each month.

Redemption of rights forfeited by purchaser.

(2463.) SEC. 20. In all cases where the rights of a purchaser shall have become forfeited under the provisions of this chapter, by his failure to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns shall, before the time appointed for the sale of the lands described in such certificate at public auction, pay to the Commissioner of the Land Office the full amount then due and payable upon such certificate, and twenty-five cents on each dollar of such amount in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns; and said certificate, from the time of such payment, shall be in full force and effect, as if no such forfeiture had occurred.

1845, p. 140.

Lists of forfeited Lands, and unsold Lands improved, to be sent to County Clerks, etc.

(2464.) SEC. 21. On or before the first day of June in each year, the Commissioner of the Land Office shall prepare and transmit to the clerks of the several counties in which the same are situated, lists of all the forfeited lands in the several townships therein, and of all the unsold University, School and State Building Lands which he may have cause to believe are improved, together with proper forms of returns and certificates of appraisement, to be forthwith distributed by such clerks respectively to the several Supervisors of townships to whom the same may be directed.

Supervisor to appraise improvements.

(2465.) SEC. 22. Every Supervisor of a township, upon receiving the lists and forms as aforesaid, shall proceed to estimate and appraise the value of all the improvements upon the several tracts or parcels of land mentioned in such lists, and after making such appraisement according to the forms

prescribed by said Commissioner, he shall make returns thereof, duly certified by him, to the Commissioner, on or before the first day of August in the same year: *Provided*,^{Proviso.} that the provisions of this section shall not apply to any settler mentioned in, or contemplated by the "Act to Provide for the Sale of Certain Lands to the Settlers thereon, and for other Purposes," approved March twenty-fifth, one thousand eight hundred and forty, and the several acts amendatory thereof, whose lands have been forfeited to this State, or who has not become a purchaser of the lands on which he resides, and on which his settlement is made; nor shall it apply to any person who has made, or who hereafter may make improvements on any of the University, School or State Building Lands, and who shall hereafter become a purchaser of the same; but such settler or other person shall be entitled to enter the same upon the terms herein established for the sale of unimproved University Lands, irrespective of the value of said improvements, and he shall not be chargeable for the value of said improvements so made by, or assigned to him.

(2466.) SEC. 23. On the return of such appraisement, the amount of the appraised value of improvements on each tract or parcel shall be divided by the number of acres contained therein, and the result, together with the minimum price per acre of unimproved lands of the same description as established in this chapter, shall be the specific minimum price per acre of such tract or parcel, the improvements upon which shall have been so appraised, until the same shall be changed by a subsequent appraisal.

On return of appraisal, Commissioner to fix price.

(2467.) SEC. 24. The unimproved forfeited lands shall continue at the minimum price per acre of unsold and unimproved lands, as established in this chapter.

Price of unimproved University Lands.

(2468.) SEC. 25. The Commissioner of the Land Office may, from time to time lease, for terms not exceeding one year, and until the same are disposed of according to law, all such University and School Lands, and other lands belonging to the State, as shall have improvements on them; and such leases shall contain proper covenants to guard against trespasses and waste.

Leasing of improved Lands.

SEC 26. (d)

(d) This Section, relating to the University Lands near Toledo, Ohio, was repealed by Act 30, of 1847, Laws of 1847, p. 39, which substituted a new enactment. And see Act 26, of 1849, Laws of 1849, p. 19, providing for a Sale of these Lands at Auction.

Commissioner
may cause nece-
sary surveys to
be made.

(2469.) SEC. 27. Whenever it shall appear to the Commissioner necessary, in order to ascertain the true boundaries of any tract or portion of the lands mentioned in this chapter, or to enable him to describe and dispose of the same, in suitable and convenient lots, he may cause all such necessary surveys to be made; and the expenses thereof shall be paid out of the proper fund, in the same manner as the other incidental expenses of the Land Office.

STATE BUILDING LANDS.

Minimum price of
State Building
Lands.

(2470.) SEC. 28. The minimum price of the unsold and unimproved State Building Lands shall be eight dollars per acre, and the minimum price of the improved State Building Lands shall be such as has been, or may be determined by the Commissioner, in the manner provided in this chapter for determining the minimum price of improved University Lands, subject to the provisions contained in the proviso in the twenty-second section of this chapter.

1844, p. 90.

Terms and con-
ditions of Sale.

(2471.) SEC. 29. The terms and conditions, and manner of sale of said Lands, and of payment, both of principal and interest therefor, shall be the same in all respects as are prescribed in this chapter for the sale of University and School Lands, and payment for the same, and the said Commissioner shall issue certificates of purchase upon the sale thereof, in the same form, and with the like effect, as upon the sale of University or School Lands.

STATE SALT SPRING LANDS.

Minimum price of
Salt Spring
Lands.

(2472.) SEC. 30. The minimum price of the lands selected for this State as Salt Spring Lands, and which shall not have been improved, shall be four dollars per acre; and the minimum price of the improved Salt Spring Lands shall be such as may be determined by the Commissioner in the manner provided in this chapter for determining the minimum price of improved University and School Lands, but none of said lands shall be sold for less than four dollars per acre.

1845, p. 119, etc.

Terms and con-
ditions of Sale.

(2473.) SEC. 31. The terms and conditions, and manner of sale of said lands, and of payment, both of principal and interest therefor, shall be the same in all respects as are prescribed in this chapter for the sale of University and School Lands and payment therefor, and the Commissioner of

the Land Office shall issue certificates of purchase upon the sale thereof, in the same form, and with the like effect, as upon the sale of University or School Lands.

(2474.) SEC. 32. None of said Salt Spring Lands shall be subject to private entry until they shall have been first advertised and offered for sale at public auction, in the manner prescribed in this chapter for advertising and selling forfeited University and School Lands.

Lands to be first offered at Public Auction.

(2475.) SEC. 33. Such of the said lands as have been improved by the State by boring thereon for Salt Springs, and such other of said lands as in the opinion of the Governor, State Geologist and Commissioner, should not be sold, shall be withheld from sale until otherwise provided by law.

Certain portions not to be sold.

(2476.) SEC. 34. Whenever, in the opinion of the Commissioner, the interests of the State will be promoted by laying off any section or tract of said lands into small parcels or village lots, he shall cause the same to be done, and such lots or parcels to be appraised in the manner provided in this chapter for appraising University and School Lands laid off into small parcels or village lots, and such appraisal shall be the minimum price at which such lots or parcels shall be respectively sold.

When tracts to be laid off into Village lots, etc., and how Minimum price established.

(2477.) SEC. 35. All sums received on account of the sale of said Salt Spring Lands, shall be paid into the Treasury of the State, to the credit of the general fund.

Monies received on Sale to be credited to General Fund.

INTERNAL IMPROVEMENT LANDS.

(2478.) SEC. 36. The minimum price of the unsold portion of the half million acres of land granted to this State by the act of Congress of September fourth, one thousand eight hundred and forty-one, for Internal Improvement purposes, shall be one dollar and twenty-five cents per acre; and none of the Internal Improvement Lands of this State shall be subject to private entry, until the same shall have been first offered at public auction.

Price of Internal Improvement Lands; To be first offered at Public Auction.

1841, p. 90, etc.

(2479.) SEC. 37. None of said lands shall be sold for less than their respective minimum prices, and all of said lands not sold at such public auction, shall be subject thereafter to sale at their minimum prices respectively.

Not to be sold for less than the Minimum price.

(2480.) SEC. 38. All lands and real estate which have, or may become the property of this State, the title to which has been, or may be derived from any source in the payment or collec-

Lands obtained in payment of debts, etc., how appraised and sold.

tion of debts to the State, shall be appraised by the Commissioner of the Land Office, the Auditor General, State Treasurer and Secretary of State, or any two of them, as soon as practicable after the title thereto shall become vested in the State; which appraisal shall be in writing, and one copy thereof shall be filed in the office of the Commissioner, and one copy in the office of the Auditor General.

When subject to
Private Sale.

(2481.) SEC. 39. The said lands and real estate, after being once offered for sale at public auction at not less than the appraised value, and remaining unsold, shall be subject to private sale at any time thereafter, at the minimum price established by such appraisal, or by any subsequent appraisal which the said officers may, in their discretion, at any time make.

See Sec. 277 to
279.

On the sale, Cer-
tificate to be
given, what to
contain.

(2482.) SEC. 40. On the sale of any of said Internal Improvement Lands, the Commissioner shall make out and deliver to the purchaser thereof a certificate, containing a description of the same, the contents thereof, the amount paid therefor, the date of the sale and the name of the purchaser, and setting forth that upon presentation thereof at the office of the Secretary of State, the purchaser will be entitled to a patent from the Governor for the lands therein described.

Kind of Funds
received to be
endorsed on Cer-
tificate.

(2483.) SEC. 41. He shall also endorse upon the certificate the kind of funds, or evidences of debt received in payment for the lands described therein.

Notice of Public
Sale, how to be
given.

(2484.) SEC. 42. Whenever it shall be necessary to offer any of said lands at public sale, the Commissioner shall cause a notice, containing a description of each parcel thereof, and the time and place appointed for the sale, to be published at least four weeks successively in a newspaper printed in each county in which any of such lands are situated, if there be one, and also in the State paper.

Commissioner to
transmit to Gov-
ernor a statement
of Certificates is-
sued once in
three months.

(2485.) SEC. 43. On or before the first days of January, April, July and October in each year, the Commissioner shall cause to be made out and transmitted to the Governor, a statement of all the certificates of purchase issued by him for any of said lands, the numbers thereof, a description of the lands mentioned in each, and the names of the purchasers thereof respectively.

Governor to issue
Patents and de-
posit the same
with Secretary of
State.

(2486.) SEC. 44. On receipt of such statement, the Governor shall execute and deposit with the Secretary of State, patents for the lands described in such certificates, to the purchasers thereof, or their assigns respectively; which patents, or duly

certified copies thereof, shall be sufficient evidence of the facts contained therein; but no such patent shall be issued by the Governor for any such lands, unless he shall be satisfied that the title of the State thereto is perfect and complete.

(2487.) SEC. 45. The Secretary of State shall not deliver any such patent, until the original certificate of the Commissioner shall be deposited in his office, unless the same shall have been lost or destroyed, and upon presenting to the Commissioner an affidavit satisfactory to him, showing that such original certificate has been lost or destroyed as aforesaid, the said Commissioner shall issue to the person entitled thereto a duplicate thereof.

Patent not to issue unless Title of State is perfect.

(2488.) SEC. 46. Upon the presentation of such duplicate certificate and affidavit to the Secretary of State, he shall deliver to the person so entitled the patent for the land described therein, and shall file and preserve all such certificates and affidavits in his office.

Secretary not to deliver Patent, until Certificate is surrendered, unless lost or destroyed.

(2489.) SEC. 47. The certificate of purchase of any of said lands, given by the Commissioner as aforesaid, shall be sufficient evidence of title in the purchaser, his heirs or assigns, to enable him or them to maintain trespass or any other proper action for any injury to the lands therein described, or to recover possession thereof, and such lands shall be liable to be taxed from the time of issuing such certificate.

Certificate evidence of Title for certain purposes.

(2490.) SEC. 48. All warrants drawn by the Auditor General, and now outstanding, or that may hereafter be drawn according to law, against any of the funds of this State, and all Treasury Notes and other lawful obligations of this State, payable out of the State Treasury, shall be receivable for all lands belonging to this State for purposes of Internal Improvement, and the Commissioner shall, on receiving any such warrants or obligations bearing interest, endorse the amount of interest accrued thereon.

What may be received in payment.

MISCELLANEOUS PROVISIONS.

(2491.) SEC. 49. The Commissioner of the Land Office shall have the custody of all books and papers relating to any of the public lands mentioned in this chapter, except such as properly belong to the records or files of other offices.

Commissioner to have custody of books and papers relating to Lands. 1844, p. 93.

(2492.) SEC. 50. The State Geologist shall furnish the Land

Maps to be furnished for Land office.

Lists of Lands sold to be sent to County Treasurer annually.

Map of Village Lots to be Recorded.

Lists to be furnished to Supervisors by County Treasurer.

Registers to Record Patents; effect of Record.

Incidental expenses of Land Office, how allowed and paid.

Sale made by mistake, etc., to be void, and Money to be refunded, on surrender of Certificate.

Office with a map of each of the several counties of this State, as soon as the same are completed. (e)

(2493.) SEC. 51. The said Commissioner shall, on or before the third Monday in March in each year, transmit to the Treasurer of each county in which any lands mentioned in this chapter may have been sold during the year then next preceding, a description of each parcel of the lands so sold in such county, and the names of the purchasers, distinguishing University and School Lands from others.

(2494.) SEC. 52. Whenever the Commissioner shall lay off any tract of land into small parcels or village lots, as provided in this chapter, he shall cause a correct map of the same to be entered of record in the county where said lands may be situated; and all parcels or lots heretofore laid out, shall in like manner be entered of record.

(2495.) SEC. 53. The several County Treasurers receiving such descriptions shall, on or before the first Monday of April, deliver to the Supervisor of each township in which any of such lands are situated a description of such lands therein, with the names of the purchasers of the same.

(2496.) SEC. 54. The Registers of Deeds of the several counties are authorized to record all patents issued by the Governor pursuant to the provisions of this chapter, and the record thereof shall have the same effect as the record of other conveyances executed according to the laws of this State.

(2497.) SEC. 55. The necessary incidental expenses of the Land Office shall be paid out of the several funds, respectively, in relation to which they were incurred, and upon the presentation of satisfactory vouchers therefor to the Board of State Auditors, shall be allowed by them at their annual settlement with the Commissioner.

(2498.) SEC. 56. In case of any sale made by mistake, or not in accordance with law, or obtained by fraud, the same shall be void; and no certificate of purchase issued thereon shall be of any effect, but the holder of any such certificate shall be required to surrender the same to the Commissioner, who shall thereupon refund the amount paid in the like funds received by him on such certificate.

(c) Although the several Acts relative to the State Geologist and the State Geological Survey, are, for the most part, unrepealed, they seem to have been for many years treated as obsolete. Provision was made by Joint Resolution in 1846, for a final Geological Report. Laws of 1846, p. 314.

(2499.) SEC. 57. The legal assignees of all *bona fide* purchasers of any of the lands mentioned in this chapter, shall be subject to, and governed by, the provisions of law applicable to the respective purchasers of whom they are the assignees, and they shall have the same rights, in all respects, as original purchasers of the same class of lands.

Assignees of purchasers, their rights and liabilities.

(2500.) SEC. 58. All sales of lands by the Commissioner, shall be made according to the subdivisions thereof by the United States surveys, unless the same shall have been laid off into smaller lots, as provided in this chapter, or unless, in the opinion of the Commissioner, any of said lands can be more advantageously disposed of according to other divisions, to be ascertained and distinctly described by him.

In what parcels Land to be sold.

(2501.) SEC. 59. When an original certificate of purchase shall have been issued by the Commissioner for a quarter section or more of said lands, according to the legal subdivisions thereof, he may, in his discretion, upon the surrender of such certificate, and the payment of one dollar for each new certificate requested, issue a new certificate for each smaller legal subdivision included in such original purchase, not being less than one-fourth of a quarter section, if in his opinion no injury will result therefrom. (*f*)

New Certificates may be issued in certain cases.

(2502.) SEC. 60. All damages recovered for any trespass or other injury upon, or to any of the lands mentioned in this chapter, shall be paid over to the Commissioner of the Land Office, or into the State Treasury, for the benefit of the fund to which the same may properly belong.

Damages recovered to be paid over for benefit of proper Fund.

(2503.) SEC. 61. Every person who shall commit any willful trespass upon any of the lands owned, or held in trust or otherwise by this State, either by cutting down or destroying any timber or wood, standing or growing thereon, or by carrying away any timber or wood therefrom, or who shall injure or remove any buildings, fences, improvements, or other property belonging or appertaining to said lands, or shall aid, direct or countenance any such trespass or other injury, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or both such fine and imprisonment, in the discretion of the Court. (*g*)

Trespass, etc., on Public Land, a misdemeanor, and how punished.

(*f*) See the Acts of March 13, 1848, and Feb. 7, 1853, following.

(*g*) See Chapter 191, for new and further provisions on this subject.

Courts to charge
Grand Jury
specially.

(2504.) SEC. 62. It shall be the duty of every Court having jurisdiction of the same, specially to charge the Grand Jury at each term of such Court, to inquire into all offences against the provisions of this chapter, and present any person who may be guilty of any such offence within their county.

Willful trespasser
liable in treble
damages; casual,
etc., in single
damages.

(2505.) SEC. 63. Any person who shall commit any trespass upon any of the lands owned, or held in trust, or otherwise by this State, shall be liable in treble damages, in an action of trespass, to be brought in the name of the People of this State, if such trespass shall be adjudged to have been willful; and single damages only shall be recovered in such action, if such trespass shall be adjudged to have been casual and involuntary.

Persons holding
possession with-
out authority,
liable to action of
forcible entry and
detainer, etc.

(2506.) SEC. 64. In case any person shall hold, or continue in possession of any of the lands mentioned in this chapter, without express authority in writing from the Commissioner of the Land Office, or contrary to the conditions or covenants of any lease or written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action or actions for the recovery of possession of such lands, and damages for the detention of the same.

Prosecuting At-
torneys to report
trespasses to
Commissioner,
and prosecute
when directed.

(2507.) SEC. 65. The Prosecuting Attorneys of the several counties shall promptly report to the Commissioner all trespasses committed upon any of said lands which may come to their knowledge, and shall, when directed by the Commissioner, prosecute all actions for any trespass or injury thereto, or for the recovery of possession thereof, or otherwise.

Prosecuting At-
torney to give
legal opinion.

(2508.) SEC. 66. It shall be the duty of each of said Prosecuting Attorneys, whenever requested by the Commissioner, to advise with, and give their opinion upon all questions of law which may be submitted to them by the said Commissioner, relating to the duties of his office, without unnecessary delay, and without charge to the Commissioner or to the State.

Seal of Land
office.

(2509.) SEC. 67. The seal now in use in said Land Office shall continue to be the seal of said office, and in case the same should be lost or destroyed, another seal, with a similar device, shall be procured for said office by the Commissioner thereof.

Certain obliga-
tions receivable
for University
Lands.

(2510.) SEC. 68. All Treasury Notes or Warrants bearing interest, drawn by authority of law on the Treasurer of this State, shall be received in payment of principal for any of the University Lands which have been heretofore sold, or which may hereafter be sold, and which have not once been sold and

forfeited, in the same manner as they are by law receivable for any lands owned by this State, subject to the limitations hereinafter contained.

(2511.) SEC. 69. The whole amount of such notes and war-^{Limitation of amount.} rants which may be received under the provisions of the preceding section, shall not exceed the residue of the sum of one hundred thousand dollars, which shall remain after deducting the full amount of all sums which shall have been credited to the Regents of the University, or to the University Fund, on the principal of the "Michigan University State Stock," in pursuance of "An Act Authorizing the Receipt of Obligations of this State in Payment of University Lands," approved February the twenty-eighth, one thousand eight hundred and forty-four, and of "An Act for the Relief of the University of^{1844, p. 18, 1838, p. 248, 1844, p. 117.} Michigan," approved March eleventh, one thousand eight hundred and forty-four, and one hundred and fifty-six thousand dollars in addition thereto.

(2512.) SEC. 70. The State Treasurer shall, on the first days^{Amount received to be credited to University Fund quarterly.} of January, April, July and October, in each year, make out a statement of the notes or warrants received in payment of principal for University Lands, pursuant to the provisions of the sixty-eighth section of this chapter, during the preceding quarter, with an interest account upon the same, and shall thereupon credit the University Fund with the amount of such notes or warrants, and interest.

(2513.) SEC. 71. From the date of each and every such^{Fund relieved from payment of interest on same amount of Stock, etc.} credit, the University Fund shall be relieved from the payment of interest on an amount of the said "Michigan University State Stock," equal to the amount of such credit; and when the amount of said "Michigan University State Stock" shall have been received into the State Treasury, the State Treasurer shall continue to make quarterly statements of the amount of Treasury Notes or Warrants received, and credit the same to the University Fund, and interest shall thereupon accrue, and shall annually be paid by the State to the Treasurer of the Board of Regents, for the use of the University.

(2514.) SEC. 72. The seal of the Land Office affixed to any^{Seal, evidence of execution of Certificate.} certificate of purchase, receipt or other instrument issued by the Commissioner of the Land Office, according to the provisions of this chapter, shall be *prima facie* evidence of the due execution of such certificate.

An Act to Authorize the Governor to Issue Patents in certain cases.

[Approved April 28, 1846. Laws of 1846, p. 98.]

Governor may
Issue Patents to
Assignees.

(2515.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be, and he is hereby authorized to issue to any assignee of a certificate of sale issued by the Commissioner of the State Land Office, a Patent for the lands therein described: *Provided*, Said lands have been fully paid for to the State: *And provided, also*, That such assignment shall be duly executed and acknowledged in the manner deeds are required to be by the laws of this State.

When Patents to
be issued in name
of deceased per-
sons.

(2516.) SEC. 2. That whenever any purchaser or assignee of any purchaser shall decease before application is made for any Patent, such Patent (if said lands are paid for) shall be issued in the name of such deceased person, and shall have the same effect as though it had been issued during the lifetime of such person.

When purchaser
or Assignee shall
have died before
issuing of Patent,
Executor, etc.,
may sell Certifi-
cate.

(2517.) SEC. 3. Whenever any purchaser or assignee of a purchaser shall die, or shall have died before the issuing of a Patent for the lands described in any such certificate, his executor or administrator may sell such certificate, and all the right, title and interest which the deceased had in the lands therein described, for the payment of debts, upon obtaining license therefor, and proceeding in the same manner, as near as may be, as is provided by law for the sale of real estate by executors and administrators for the payment of debts.

SEC. 4. This act shall take effect and be in force from and after its passage.

An Act to Amend an Act entitled, "An Act to Authorize the Governor to Issue Patents in certain cases," Approved April Twenty-Eighth, One Thousand Eight Hundred and Forty-Six.

[Approved March 26, 1849. Laws of 1849, p. 135.]

Issue of Patents
in certain cases
regulated.

(2518.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the provisions of an act entitled, "An Act to Authorize the Governor to issue Patents in certain cases," approved April 28th, 1846, shall be, and the same are hereby made applicable to all certificates of sale lawfully issued by the Superintendent of Public Instruction, prior to the establishment of the State Land Office, and

Patents shall be issued therefor, and upon the assignments thereof, in the same manner, on the same condition, under the same restrictions, and with the like effect as in the several cases contemplated by the provisions of said act.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act Authorizing and Requiring the Commissioner of the State Land Office to Issue New Certificates for School and University Lands in certain cases.

[Approved March 30, 1848. Laws of 1848, p. 193.]

(2519.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be, and he hereby is authorized and required, upon being satisfied that no injury can result to the particular trust fund to be affected thereby, whether the same be the University or School Fund; and upon the surrender of any original certificate of purchase of any University Land, to issue one or more new Certificates, in lieu of said original ones, to the persons who shall exhibit to such Commissioner satisfactory evidence of being entitled thereto, and upon receiving from any such person or persons the full amount of interest due upon such original Certificate up to, and including the last preceding annual payment required thereby.

(2520.) SEC. 2. At the time of issuing any such new Certificates, the said Commissioner shall endorse thereon the proper credits, *pro-rata*, and of their proper dates for all payments of principal and interest moneys theretofore made upon the original Certificate thus surrendered, and the interest upon such new Certificate shall be computed from the last annual payment due on the original Certificate.

(2521.) SEC. 3. The persons desirous of procuring such new Certificate, shall, in every case, furnish the said Commissioner, as the basis of his action, with the Certificate of the Supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the University or School Fund, as the case may be; and the said Commissioner may require any other evidence which he may deem necessary, and whenever the grantee of any deed duly executed by a Sheriff, and conveying the right, title and interest of any person holding

Other evidence. a Certificate for any University or School Lands, shall present such deed at the Land Office, and shall tender the balance of principal and interest due upon any such Certificate, as the same shall appear from the books of said office, the Commissioner thereof shall execute to such grantee, his heirs and assigns, a deed for the land described in such Certificate, in the usual form, and the same shall be a full satisfaction and discharge of such Certificate.

SEC. 4. This act shall take effect and be in force from and after its passage.

An Act Requiring the Commissioner of the State Land Office to make an Annual Report to the Regents of the University of Michigan.

[Approved March 3, 1849. *Laws of 1849*, p. 49.]

Commissioner to report to Secretary of Board of Regents.

(2522.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the Land Office shall make out and transmit to the Secretary of the Board of Regents of the University, by the first day of July next, an accurate statement of each and every parcel of University Land that shall have been sold up to that date, and the price for which it was sold. Also, of all forfeitures and resales, with an amount of the loss or gain attending such forfeitures and resales, and also, an amount or list of each parcel of University Land unsold.

Annual Report to Regents thereafter.

(2523.) SEC. 2. Said Commissioner shall annually thereafter report to the Board of Regents all sales and forfeitures of University Lands, with an amount of the receipts and expenditures attending the same.

Ibid.

(2524.) SEC. 3. Said Commissioner shall also report annually, the expenses lawfully charged to, and deducted from the University Interest Fund, together with the net income.

Ibid.

(2525.) SEC. 4. Said Commissioner shall, with each of his reports, furnish an accurate statement of all moneys loaned from said fund, to whom loaned and when payable, with the interest annually paid thereon, and the annual interest due and unpaid. Also, the amount of Internal Improvement Warrants paid for University Lands, with the annual interest paid thereon by the State.

Regents entitled to copy of Statutes.

(2526.) SEC. 5. The Regents of the University shall severally be entitled to receive from the Secretary of State, in the same manner as other public officers, a copy of the annual Laws of the State.

SEC. 6. This act shall be in force from and after its passage.

An Act Authorizing and Requiring the Commissioner of the State Land Office to Issue New Certificates for Normal School Lands in certain cases.

[Approved February 7, 1853. Laws of 1853, p. 59.]

(2527.) SECTION 1. *The People of the State of Michigan enact,* Commissioner to issue New Certificates for Normal School Lands in certain cases. That the Commissioner of the State Land Office be, and he is hereby authorized and required, upon being satisfied that no injury can result to the trust fund to be affected thereby, and upon the surrender of any original certificate of purchase of any Normal School Lands, to issue one or more new Certificates in lieu of said original one, to the persons who shall exhibit to such Commissioner satisfactory evidence of being entitled thereto, and upon receiving the full amount of interest due upon such original certificate up to, and including the last preceding annual payment required thereby.

(2528.) SEC. 2. The persons desirous of procuring such new Proceedings necessary to procure New Certificates. Certificate, shall in every case furnish the said Commissioner, as the basis of his action, with the certificate of the Supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the Normal School Fund, and the said Commissioner may require any other evidence which he may deem necessary in the premises.

An Act to Establish a Board of Auditors to Investigate certain Claims growing out of the Sales of Primary or Common School, University and Internal Improvement Lands, etc.

[Approved March 24, 1845. Laws of 1845, p. 130.]

(2529.) SECTION 1. *Be it enacted by the Senate and House of* Certain State Officers to be a Board for examination of Claims growing out of Sales of School Lands, etc. *Representatives of the State of Michigan,* That the Commissioner of the State Land Office, State Treasurer and Attorney General, be, and they are hereby constituted a Board of Auditors for the purpose of investigating all claims and applications for relief growing out of the sales of the Primary or Common School, University, Salt Spring, State Building, and Internal Improvement Lands.

(2530.) SEC. 2. It shall be the duty of said board hereafter Meetings of Board for examination and adjustment of claims. to meet on the first Monday in February and the first Monday in July in each year at the State Land Office, and when so

convened, the board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be deemed just and equitable by said board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand: *Provided*, That the decision and awards of said board be first approved by the Governor of this State: *Also, provided*, *That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said board from applying at any time after such decisions and awards to the Legislature, for relief in their respective cases*, and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the Legislature: *And provided, further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said board of the same, whose duty it shall be on the receipt thereof to meet at the office of said Commissioner at the stated times above specified, to examine into the matter. But in no case shall they be required so to meet, unless notified by said Commissioner as above prescribed. (*h*)

See Constitution,
Art. 4, Sec. 31.

Applicants and
Witnesses to be
examined on
oath.

(2531.) SEC. 3. Said board is hereby empowered to examine applicants and their witnesses under oath, to be administered by any member thereof.

Certain Resolu-
tion repealed.

(2532.) SEC. 4. Joint resolution number 34, relative to certain claims, approved March 12, 1844, is hereby repealed.

Report of Board.

(2533.) SEC. 5. The said board shall make a report annually to the Legislature, of all their proceedings under this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Joint Resolution Relative to the Powers Conferred upon the Board of Auditors Established to Investigate Certain Claims, etc., under the Act of March, 1845.

[Approved March 24, 1845. *Laws of 1845, p. 163.*]

(2534.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That in carrying into effect the provisions of "An Act to establish a Board of Auditors to investigate certain Claims growing out of the sales of Primary or Common School University and Internal Improvement Lands, etc.," approved March, 1845, the Board of Auditors established thereby shall, upon satisfactory evidence of the justice of said claim or application, make an award in favor of such claimant, or applicant of the lands claimed, or any part thereof, or of any other parcel of land belonging to the fund to be affected by said claim, the same being duly designated and described in said award; and upon the presentation of any such award, approved by the Governor, to the proper State officer, he is hereby authorized and required to execute to the claimant, or applicant, his heirs or assigns, a proper conveyance of the land so awarded, making all necessary entries thereof in the books of his office: *Provided*, That in those cases where said board cannot clearly determine upon the equity of the application, the said board may, in their discretion, report a statement of facts to the next Legislature.

Award of Board upon claims.

State Officers to carry award into effect.

Joint Resolution in Relation to Bonds and Mortgages given to Secure Loans from the University and School Funds.

[Approved March 16, 1847. *Laws of 1847, p. 203.*]

(2535.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That all bonds and mortgages given for or on account of loans from either the University or School Fund, upon which are due and unpaid either principal or interest, or both, shall be delivered over into the possession of the Board of Auditors on Land Claims, for the purpose of collection or settlement thereof; and the said board are hereby authorized to sue for and recover the amounts which may be due thereon, and whenever it is clearly shown to the said board that the bond accompanying any such mortgage is worthless, the said board may accept a release, or other conveyance of the equity of redemption or title to the mortgaged premises from the mortgagor in satisfaction of the debt,

Bonds, etc., for Loans from University and School Funds to be delivered to Board for settlement.

and upon liquidation, settlement and payment of said amounts due, they shall cancel and release the said bonds and mortgages, and such moneys as may be received on any such settlement, or arising therefrom, shall be paid into the State Treasury to the credit of the appropriate fund.

An Act to Authorize the State Treasurer to receive from the General Government certain Moneys arising from the Sale of Swamp Lands, and to Authorize the Commissioner of the State Land Office to take an Assignment of all Warrants received for any of the Swamp Lands sold in this State since the act of Congress,
Approved September Twenty-Eighth, Eighteen
Hundred and Fifty.

[Approved Feb. 14, 1853. Laws of 1853, p. 116.]

Moneys or Land Warrants received by the General Government for Swamp Lands donated to the State, to be received, and interest of the State in Lands released.

(2536.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be, and he is hereby authorized to receive from the General Government any moneys that may have been received, or that may hereafter be received for any of the Swamp Lands donated to this State, and that the Commissioner of the State Land Office be authorized to take an assignment of all Bounty Land Warrants received for any Swamp Lands sold in this State since the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, and to release the interest of the State in any lands sold or entered with said warrants to purchasers or their assigns.

Right of pre-emption secured to Occupant of Swamp Lands.

(2537.) SEC. 2. That in case any person, at the time of the passage of the act of Congress granting to the State of Michigan the Swamp Lands in this State, was in actual possession of any of said lands, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the Laws of Congress, or in case of actual purchase of the United States, his heirs, or assigns, he shall be entitled to purchase said lands at the minimum price of \$1.25 per acre, within one year after this act takes effect: *Provided*, Satisfactory evidence of such possession, improvements and intention, be filed with the Commissioner of the State Land Office before said lands are offered for sale, or before said lands are sold to any other person: *And provided, also*, That no person shall be entitled to claim by pre-emption right more than one hundred and sixty acres.

Limitation of claim thereto.

An Act to Provide for the Sale and Reclaiming of Swamp Lands granted to the State, and for the Disposition of the Proceeds.

[Approved June 28, 1851. Laws of 1851, p. 322.]

(2538.) SECTION 1. *The People of the State of Michigan enact,* Notes of Surveys in Surveyor General's Office adopted as basis for receiving Swamp Lands. That they adopt the notes of the surveys on file in the Surveyor General's Office, as the basis upon which they will receive the Swamp Lands granted to the State by an act of Congress of September 28, 1850.

SEC. 2, 3, 4, 5. (i)

(2539.) SEC. 6. Said lands shall only be sold in the same Swamp Lands only to be sold in legal subdivisions. legal subdivisions in which they shall be received by the State, nor shall any of said lands be subject to private entry until the same shall have been offered for sale at public auction as herein above provided.

(2540.) SEC. 7. The Commissioner of the Land Office is Commissioner of State Land Office to procure books, maps, etc., for his office. hereby authorized to procure all necessary books, maps or plats of such lands as may be required for the speedy and systematic transaction of the business of the office, and all proper charges for the same shall be paid out of the fund aforesaid.

SEC. 8. This act shall take effect immediately.

An Act to Provide for the Drainage and Sale of the Swamp Lands, for the Disposition of the Proceeds, and for the Confirmation of the Title of Certain Purchasers.

[Approved February 14, 1857. Took effect May —, 1857. Laws of 1857, p. 234.]

(2541.) SECTION 1. *The People of the State of Michigan enact,* Commissioner of State Land Office to have supervision and disposition of Swamp Lands. That the Commissioner of the State Land Office shall have the supervision and sale of the Swamp Lands, granted to said State by an act of Congress, bearing date September [28] twenty-eight, [1850] eighteen hundred and fifty, whether the title of the same has vested, or may hereafter vest in said State, and may dispose of the said lands in the manner hereinafter directed, but none of said lands shall be offered for sale, till the patent for the same shall be received by the State.

(2542.) SEC. 2. The said lands shall be offered at public

(i) Repealed by "An Act to Repeal Sections two, three, four and five of An Act entitled, 'An Act to Provide for the Sale and Reclaiming of Swamp Lands Granted to the State, and for the Disposition of the Proceeds,' approved June twenty-eighth, eighteen hundred and fifty-one." Approved Feb. 18, 1857. Laws of 1857, p. 384.

How Lands may be sold, and at what price. sale, but shall not be sold at a less price than [\$5] five dollars per acre, which shall be the minimum price therefor; and shall be subject to entry at private sale, after being offered at public auction, as in this act provided.

Notice of Public Sale. (2543.) SEC. 3. Before any such sale at auction shall be allowed, said Commissioner shall cause public notice of time and place of said sale to be published in each county of this State in which a newspaper shall be published, once in each week for six successive weeks before said sale; and said notice shall describe said lands by their legal subdivisions, and by said descriptions shall they be sold.

Payments by purchaser. (2544.) SEC. 4. The purchaser at such public sale shall pay a sum not less than twenty-five per cent. of the purchase price of the land so purchased, and may be required (if in the opinion of said Commissioner the interest of the State demands it) to pay a greater proportion at the time of said sale, or at any time when the same shall be required by the said Commissioner; said Commissioner shall require that part of the purchase money to be paid down on the day of the sale, and if the purchaser shall refuse or neglect to make such payment, his bid shall be void, and the tract shall be again offered at public sale, and the person so neglecting to pay shall not be allowed to purchase the same, but shall be liable to pay to the People of the State the difference between his bid and the price at which the said land shall be sold (if less than his bid), with double costs, and may be arrested therefor, and if a recovery be had, imprisoned, as in cases where it is competent to proceed against the body.

Purchaser to take Lands subject to obligations imposed upon State by Congress. (2545.) SEC. 5. Every sale of Swamp Lands made under the provisions of this act, whether at public or private sale, shall be upon condition, and the purchaser shall take the same, subject to all the obligations imposed upon the State by the said act of Congress; and neither said purchaser nor any person claiming under him, shall have any claim upon the State, further than is provided for in this act, or any of its municipal bodies, to ditch, drain, or in any manner reclaim said land or any part thereof, as mentioned in said act of Congress; but every deed or conveyance made under the provisions of this act shall be absolute, and shall vest in the purchaser the fee of the land so conveyed.

Terms of payment. (2546.) SEC. 6. The terms of payment for lands sold under this act, shall be as follows, viz.: twenty-five per centum of the purchase price to be paid as specified in the third section

of this act, unless said Commissioner should require a larger sum than twenty-five per cent., which, if he does, he must so manifest it by giving notice on the day of sale, and the balance of the principal may be paid at any time thereafter, and the interest shall be paid annually; said payments shall be made to the Treasurer of the State.

(2547.) SEC. 7. At the time of such sale, the said Commissioner shall deliver to the purchaser a certificate, on which, in the name of the People of the State of Michigan, he shall certify the name of the purchaser, a description of the land sold, with the quantity and price of such tract or parcel, the consideration paid and to be paid therefor, and time and manner of paying interest, and that the said land is sold agreeably to the provisions of this act, and that in case of the non-payment of said balance and interest, as in said certificate mentioned, said certificate and sale shall be void, and said land may be resold by said Commissioner; such certificate shall also set forth, that upon payment of the full amount due thereon, and presentation of said certificate to the Secretary of State, with official evidence of such payment, and sufficient evidence of the fulfillment of all the obligations imposed upon this State by said act of Congress, the purchaser, his heirs or assigns, shall be entitled to a patent, to be executed by the Governor, for the land therein described; and the patents to be issued under the provisions of this act, shall state that the said sale and conveyance so made, is subject to the provisions of this act; also the provisions of an act entitled, "An Act to authorize the Governor to Issue Patents in certain cases," 1846, p. 68 approved March [28] twenty-eight, [1846] eighteen hundred and forty-six; and the act entitled, "An Act to amend Chapter [60] sixty, title [12] twelve, of the Revised Statutes of [1846] 1851, p. 84 eighteen hundred and forty-six," approved April [4] fourth, [1851] eighteen hundred and fifty-one, so far as they are not inconsistent with this act, shall regulate and apply to the rights of purchasers and assignees of said certificates.

(2548.) SEC. 8. All the provisions of law now in force, not inconsistent with this act, and applicable to the public lands of this State, shall be held to apply to the said Swamp Lands; and all powers and duties prescribed to any public officer or Court, or Prosecuting Attorney, relative to the public lands, shall, if not inconsistent with this act, be exercised and performed in relation to said Swamp Lands.

(2549.) SEC. 9. Of the proceeds of the sales of said Swamp

Proceeds of Sales,
how disposed of.

Lands paid or to be paid into the State Treasury, twenty-five per centum shall be reserved and set apart as a drainage fund, for the purpose of aiding the counties in which the lands sold may lie, the interest of which, at the rate of seven per cent., shall be, in pursuance of law, appropriated to drain such of the said lands as are situate in the county, and which, in the opinion of the Supervisors, are capable of drainage, and can be profitably drained, and shall not have been sold under the provisions of this act; and the balance of such proceeds, after deducting the necessary and lawful expenses of such sales, shall be appropriated to, and constitute a part of the Primary School Fund, derived from the sales of Primary School Lands. Said balance shall be considered as loaned to the State at an interest of seven per cent. per annum, which interest shall be paid in to the Primary School Fund annually, and the principal thereof is hereby appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks, in the order in which they shall fall due.

Lands heretofore
purchased may
be surrendered
to State.

(2550.) SEC. 10. Any Swamp Lands heretofore sold by the Commissioner of the State Land Office, being part of the lands granted to this State, by the aforesaid act of Congress, may, at the option of the purchaser, be released to the State by deed; and any purchaser may, at any time before the first day of September next, present his certificate of purchase to the Commissioner of the State Land Office, and receive of the Treasurer of the State, upon evidence that the same is surrendered, the amount paid thereon, with interest from the date of such certificate, and in case the purchaser has received a deed for said land, he may return the same, and upon surrender be paid as aforesaid, but if said deed has been recorded in the county where the said land is situated, and the said land has not been conveyed by said purchaser, he shall reconvey the same to the State, and cause the deed to be recorded in the proper county, and before he shall receive the money thereon, he shall furnish evidence to the Commissioner of said record, and shall file with said Commissioner his affidavit, that said certificate has not been assigned, or the land in said deed so presented conveyed by him to any person; but no purchaser shall return a less quantity of any purchase, than the whole amount of land purchased by him at any one time.

Sales heretofore
made, and not
surrendered,
confirmed.

(2551.) SEC. 11. The sales of such Swamp Lands heretofore purchased of said Commissioner, being part of lands granted by said act of Congress, in case the same shall not be returned

on or before the said first day of September next, as above provided for, shall be, and the same are hereby ratified and confirmed, as of the dates of said sales respectively; and neither such purchasers, nor any person claiming under them, title to said lands or any of them, shall have any claim or demand upon this State, to drain or in any manner reclaim the said lands or any part thereof, but shall fulfill all the obligations imposed upon the State by said act of Congress, and upon failure thereof, shall be prosecuted by the Prosecuting Attorney of the county in which such lands may lie, for any damages the State may sustain by reason of the violation of its obligations imposed by said act of Congress upon the State.

(2552.) SEC. 12. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repeal of con-
travening acts.

An Act for the Relief of Purchasers of, and Settlers on, Swamp Lands.

[Approved February 13, 1855. Laws of 1855, p. 418.]

(2553.) SECTION 1. *The People of the State of Michigan enact,* Purchasers from
United States of
State Swamp
Lands, whose
purchases have
been canceled,
may purchase
from the State.
That in all cases where lands have been purchased as Govern-
ment Lands at any of the United States Land Offices within
the State of Michigan, and such purchase has afterwards been
set aside and canceled, in consequence of the lands so pur-
chased having been found to be Swamp Lands, the purchaser,
his heirs, or assigns, may at any time before such lands are
offered for sale by the State, or before said lands are sold to
any other person, on presentation of a certificate of such pur-
chase and cancellation from the Register of the Land Office
where such purchase was originally made, to the Commis-
sioner of the State Land Office, be entitled to purchase such
lands of the State, at the price of one dollar and twenty-five
cents per acre, subject to the condition that such purchaser or
purchasers shall not have any claim against the State for
draining such land; and such land purchased of the United
States shall not be offered for sale by the State until the
expiration of two years from the passage of this act; and all
persons who have in good faith, at any time since the twenty-
eighth of September, eighteen hundred and fifty, settled upon
and made valuable improvements on any of the Swamp Lands,
with the intention of securing the same under the pre-emption
laws of the United States, and shall file with the Commis-
sioner of the State Land Office sufficient evidence of said settle-
Rights of pre-
emption secured
to occupants.

ment or improvement, and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such land at one dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

SEC. 2. This act shall take effect immediately.

CHAPTER LXXXIII.

OF THE INTEREST OF THE STATE IN MINES AND MINERALS.

SECTION

- 2554. Sovereign right of people in.
- 2555. Not to be enforced against Citizens owning Lands; Saving of existing rights.
- 2556. Mineral Lands reserved from sale.
- 2557. Tax upon Ores.
- 2558. How Assessment shall be made.
- 2559. Commissioner of State Land Office to lease Mineral Lands.
- 2560. In what parcels.
- 2561. Lands to be offered at Auction.
- 2562. Notice of Auction.

SECTION

- 2563. At what rate to be leased.
- 2564. Lands heretofore leased by Secretary of War, may be let to same lessees on same terms.
- 2565. When may be leased to others.
- 2566. Certain other Lands to be leased.
- 2567. When may be leased on private application.
- 2568. Agent may be appointed to examine Lands.
- 2569. Lands leased not to be Taxed.

An Act Declaratory of the Interests of the State of Michigan in Mines and Minerals.

[Approved April 25, 1846. Laws of 1846, p. 92.]

Sovereign rights
of People in.

(2554.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the property in the following Mines is fully vested in the People of the State of Michigan, in their right of sovereignty:

1. All Mines of gold and silver, or either of them, now discovered, or hereafter to be discovered within the territorial limits of this State;

2. All Mines or other Metals or Minerals, discovered, or to be discovered, which are connected with, or shall be known to contain gold or silver in any proportion.

Not to be en-
forced against

(2555.) SEC. 2. The sovereign right of the People of Michigan to the Mines and Minerals therein, as specified in the

preceding section, shall never be enforced against any citizen of the State in whom the fee of the soil containing any such Mines and Minerals now is, or may hereafter become fully vested in his own right by a *bona fide* purchase from, through or under the General or State Government; but such Mines and Minerals shall remain the property of the citizens owning such lands, subject to the specific tax hereinafter provided: *Provided*, That this act shall not be construed to affect any right already acquired, or held by individuals, from or under the permits or leases of the United States, wherever such leases shall prove to be upon lands now owned, or hereafter to become the property of the State.

Citizens owning
Lands.

Saving of existing
rights.

(2556.) SEC. 3. All lands known to contain Mines or Minerals, which now are, or may hereafter become the property of this State, shall be reserved from sale by the authorities thereof, until directed to be sold by, and under such regulations as the Legislature shall hereafter prescribe.

Mineral Lands
reserved from
Sale.

(2557.) SEC. 4. A specific tax of four per cent., to be in lieu of all other State taxes, shall be levied and collected upon all ores and the product of all Mines within the limits of this State, whether the lands containing them have been sold to *bona fide* purchasers by the General Government or not, which said tax shall in all cases be assessed thereon upon the average yield and value of such ores, after the same is smelted, if smelted within this State, but if not smelted within this State, then said taxes shall be paid before such ores are removed from the premises where they are raised: *Provided*, That the specific tax upon the product of Iron Mines shall not exceed two per cent.

Tax upon Ores.

(2558.) SEC. 5. Such assessment may hereafter be made upon a statement verified by the oath of the person having constant charge of the working of any Mine, and of the yield and product thereof, setting forth the actual amount of such yield, and the product for the year next preceding; and if such tax be not paid when legally demanded, upon the aggregate amount of such statement, it shall be lawful to seize upon the ores and product of such Mines in satisfaction of the same.

How assessment
shall be made.

SEC. 6. This act shall take effect and be in force from and after its passage.

An Act to Provide for the Leasing of Certain Lands.

[Approved May 18, 1846. Laws of 1846, p. 274.]

Commissioner of
State Land Office
to lease Mineral
Lands.

(2559.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he is hereby authorized to lease, as hereinafter provided, any of the Mineral Lands reserved from sale by the provisions of section No. 3, of act No. 78, approved April 28, [25], 1846.

In what parcels.

(2560.) SEC. 2. All that portion of said lands which is for the use of Primary Schools, the Commissioner may lease as hereinafter provided, in quantities not less than forty acres, unless it be a fraction, and for a period not exceeding three years: *Provided*, All lands so leased shall be according to the United States survey.

To be offered at
Auction.

(2561.) SEC. 3. Before said Primary School Lands can be leased upon private application, they shall first be exposed to lease at public auction to the highest bidder, as hereinafter provided.

Notice of Auc-
tion.

(2562.) SEC. 4. The said Commissioner shall give thirty days' notice of the time when, and place where, said lands will be exposed to lease at auction as aforesaid, with the description, township, range, and region of country where said lands are located; which notice shall be published at least once in each week in the State paper at Detroit, and in one or more county papers.

At what rate to
be leased.

(2563.) SEC. 5. The consideration of such leases shall not be less than four per cent. upon the average yield and value of all Minerals which shall be taken from the lands so leased, and such further annual rent to be paid in money, annually in advance, the first payment of which shall be on the delivery of said lease, as the Commissioner shall be able in manner aforesaid to lease them for.

Lands heretofore
leased by Secre-
tary of War, may
be let to same
lessees on same
terms.

(2564.) SEC. 6. All lands located by the State for Internal Improvement purposes, under the grant of 500,000 acres by Congress to this State, which may be under lease from the Secretary of War of the United States, at the time of said location, may be leased by the said Commissioner to the same lessees or their assigns, and on the same terms of their leases from the said Secretary of War; the said lessees relinquishing all pretension of claim under said United States leases.

(2565.) SEC. 7. If any of said lessees or their assigns shall

refuse or neglect to obtain said lease from said Commissioner, ^{When may be leased to others.} after full opportunity to do so, or public notice to that effect, then, and in such case, the said Commissioner may lease the same to any person or persons, in the way and manner hereinbefore provided for the leasing of Primary School Lands.

(2566.) SEC. 8. All locations of said lands made by the State ^{Certain other Lands to be leased.} for Internal Improvement purposes as aforesaid, and not under lease by the Secretary of War, at the time of said location, may be leased by the Commissioner in the way and manner hereinbefore provided for the leasing of Primary School Lands.

(2567.) SEC. 9. After any of the lands mentioned in this act ^{When may be leased on private application.} shall have been exposed to lease at auction, if not leased, the Commissioner may then lease them upon private application, for such consideration as is set forth in the fifth section of this act.

(2568.) SEC. 10. The Governor may, if he shall deem it ^{Agent may be appointed to examine Lands.} necessary, appoint an agent to examine the lands described herein, before leasing the same, with such compensation as he may deem advisable.

(2569.) SEC. 11. All lands leased under the provisions of ^{Lands leased not to be Taxed.} this act, shall not be subject to any other taxes than those specified in said act.

SEC. 12. This act shall take effect and be in force from and after its passage.

